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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

CANADA*

[October 1997]

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* The second periodic reports concerning rights covered by articles 6 to 9 (E/1984/7/Add.28) and by articles 10 to 15 (E/1990/6/Add.3) submitted by the Government of Canada were considered by the Committee on Economic, Social and Cultural Rights at its third (see E/C.12/1989/SR.8 and 11) and eighth (see E/C.12/1993/SR.6, 7 and 18) sessions respectively.

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* Geographical order, from west to east.

I. REVIEW OF JURISPRUDENCE

Introduction

1. A review of jurisprudence is included in Canada's reports on implementation of international human rights conventions for two main reasons - first, because case law assists in their implementation and, second, because it is an indicator of the practical effect of the various constitutional and legislative measures described in other portions of Canada's reports.

2. International human rights conventions that Canada has ratified do not automatically become part of the domestic law of Canada so as to enable individuals to go to court when they are breached. Nevertheless, cases may arise regarding domestic law - particularly the Canadian Charter of Rights and Freedoms and federal-provincial-territorial human rights legislation - that are relevant to the implementation of the rights guaranteed by these conventions. Court actions relating to other legislation may also assist in the practical realization of the rights guaranteed in international human rights instruments. For example, regarding the present Covenant, cases arising under labour law are relevant.

3. Furthermore, the Supreme Court of Canada has emphasized the importance of taking into account Canada's international obligations in interpreting and applying the Canadian Charter of Rights and Freedoms, both in terms of determining the scope of protected rights and freedoms, and in deciding whether limits on them are acceptable in terms of section 1 of the Charter. This interpretative approach has played a significant role in Charter decisions, and in assisting in the implementation of international human rights treaties.

4. A description of relevant case law also contributes to an understanding of the practical effect of the constitutional and legislative measures outlined in other portions of this report. For this reason, court actions relevant to the present Covenant that were not successful, as well as successful actions, are described.

5. In regard to articles 6-9 of the Covenant, relevant Charter and human rights cases in the economic, social and cultural area are outlined, as well as other relevant jurisprudence from 1986 (the date of Canada's second report on these articles) to 1994. In regard to articles 10-15, case law from 1990 (the date of Canada's second report on articles 10-15) to 1994 is described. Occasional reference is made to case developments of special interest since 1994. To the extent that the cases outlined in the review of jurisprudence involve issues of discrimination, they are also relevant to the implementation of article 2.2 and article 3 of the present Covenant.

6. In its concluding observations in 1993 on Canada's second report on articles 10-15, the Committee on Economic, Social and Cultural Rights expressed certain concerns about the extent to which the International Covenant on Economic, Social and Cultural Rights was implemented by court

decisions on the Canadian Charter of Rights and Freedoms and human rights legislation. These concerns and recommendations, set forth in paragraphs 21-24, 29 and 30 of the concluding observations, are addressed in the review of jurisprudence.

A. Response to concerns and recommendations of the Committee on Economic, Social and Cultural Rights regarding case law

Scope of Canadian Charter of Rights and Freedoms (paras. 21 and 23 of concluding observations)

7. In paragraphs 21 and 23 of the concluding observations on Canada's second report on articles 10-15, the Committee expressed concern that, in some cases, Canadian courts have concluded that the Canadian Charter of Rights and Freedoms does not protect the rights guaranteed by the International Covenant on Economic, Social and Cultural Rights, with particular reference to the right to an adequate standard of living guaranteed by article 11.

8. The Canadian Charter of Rights and Freedoms guarantees primarily civil and political rights rather than economic, social and cultural rights. However, as indicated in the Vienna Declaration and Programme of Action, all human rights are interrelated, and the constitutional protection of civil and political rights has significantly enhanced the protection of economic, social and cultural rights in Canada in a number of ways, as described below. In this respect, the Canadian Charter of Rights and Freedoms plays a similar role at the domestic level regarding the protection of economic, social and cultural rights to that of the International Covenant on Civil and Political Rights at the international level.

Role of governments in litigation (para. 21)

9. In paragraph 21 of the concluding observations, the Committee expresses concern that some governments in Canada appear to take the position in litigation that the rights in article 11 of the Covenant are not protected, or only minimally protected, by the Canadian Charter of Rights and Freedoms.

10. In Canada, litigation is of an adversarial nature, and each party to a court action, including the government of a province or the federal Government when it is party to an action, is expected to present as fully and as convincingly as possible the argument for that party, so that the court will be well informed of all relevant considerations, before it reaches a decision. The Supreme Court of Canada has accepted the adversarial process as a fundamental tenet of our legal system (R. v. Swain). In the case of Miron v. Trudel, described in paragraph 59 below, where the Attorney General of Ontario declined to defend the legislation in question on the basis of section 1 (reasonable limits) of the Charter, the Supreme Court of Canada adjourned its hearing of the case, and appointed an *amicus curiae* to prepare a section 1 defence of the legislation.

Court Challenges Program (para. 22)

11. In paragraph 22 of the concluding observations, the Committee expresses concern about the cancellation of the Court Challenges Program.

12. In 1993, the Government of Canada announced that the Court Challenges Program would be reinstated and, in 1994, a contribution agreement was signed between the federal Government and the Court Challenges Program Corporation. The Corporation, which is composed of representatives from the private bar, non-governmental organizations and academics, administers the Program, with an annual budget of $2.75 million for the next three years.

13. The Court Challenges Program funds court challenges involving: (i) official language rights guaranteed in the Constitution Act, 1867, the Manitoba Act, 1870 and the Canadian Charter of Rights and Freedoms, and the clarification of the linguistic aspect of freedom of expression in section 2 (b) of the Charter; and (ii) the equality rights guaranteed in sections 15 and 28 of the Canadian Charter of Rights and Freedoms, and the clarification of sections 2 (fundamental freedoms) and 27 (multicultural heritage) when invoked in support of section 15 arguments.

Scope of human rights legislation (para. 24)

14. In paragraph 24 of the concluding observations, the Committee expresses concern that human rights legislation has not always been applied in such a manner as to provide remedies against violations of economic, social and cultural rights.

15. In Canada, human rights legislation, for the most part, focuses on the right not to be subjected to discrimination, rather than on extending coverage to all human rights, including economic, social and cultural rights. It is applied accordingly. Some human rights codes include the following prohibited grounds of discrimination: source of income (Saskatchewan, Manitoba and Nova Scotia); assignment, attachment or seizure of pay (Newfoundland); and social condition/origin (Quebec, Newfoundland). The Quebec Charter of Human Rights and Freedoms guarantees economic and social rights.

16. The protection against discrimination provided by human rights codes in the economic, social and cultural areas of employment; the provision of goods, services and facilities customarily available to the public; and accommodation assists in the protection of economic, social and cultural rights. Relevant case law is outlined below.

Training of judiciary and interpretive approach (paras. 29 and 30)

17. In paragraph 29 of the concluding observations, the Committee recommends that Canadian judges be provided with training courses on Canada's obligations under the Covenant, and their effect on the interpretation and application of Canadian law. In paragraph 30 of the concluding observations, the Committee recommends that the Canadian courts continue to adopt a broad and purposive approach to the interpretation of the Canadian Charter of Rights and Freedoms and human rights legislation so as to provide appropriate remedies against violations of social and economic rights in Canada.

18. Because of the importance that is accorded to the principle of the independence of the judiciary in Canada, governments do not themselves provide judicial training. There is an independent National Judicial Institute, funded by federal, provincial and territorial governments, that provides

training to judges in Canada. The Canadian Institute for the Administration of Justice, a non-governmental organization, also provides legal training to judges and other interested persons. As indicated in paragraphs 3, 20, 29, 66 and 71 of the review of jurisprudence, judges in Canada refer to international law in Charter cases and have a good knowledge of its relevance.

19. The concluding observations of the Committee on Economic, Social and Cultural Rights, including paragraphs 29 and 30, have been brought to the attention of the National Judicial Institute and also the Canadian Judicial Council.

B. Case law

Article 6. Right to work

Canadian Charter of Rights and Freedoms

20. In Slaight Communications Inc. v. Davidson, the Supreme Court of Canada concluded that requiring an employer to write a letter of recommendation for a former employee in an unjust dismissal case was a reasonable limit on his freedom of expression as guaranteed by section 2 (b) of the Canadian Charter of Rights and Freedoms, because of the importance of the right to work, recognized by the present Covenant. The Supreme Court stated as follows:

> "Especially in light of Canada's ratification of the International Covenant on Economic, Social and Cultural Rights, ... and commitment therein to protect, inter alia, the right to work in its various dimensions found in article 6 of that treaty, it cannot be doubted that the objective in this case is a very important one."

21. In McKinney v. University of Guelph, the Supreme Court of Canada considered a provision of the Ontario Human Rights Code, 1981 limiting complaints of age discrimination to persons between 18 and 65 years of age, effectively preventing complaints of discrimination regarding the mandatory retirement of persons 65 years of age or older. The Supreme Court held that the provision was a reasonable limit within the terms of section 1 of the Charter on the equality rights guaranteed by section 15 of the Charter. The Court stated that the legislature was faced with a complex socio-economic issue, and that it should defer to the balance struck by the legislature in this area.

22. In Conway v. Canada (Attorney General), the Supreme Court of Canada held that it was not contrary to section 15 (equality rights) of the Charter for female guards to be permitted to frisk male inmates, although male guards could not frisk female inmates (they are not employed in female penitentiaries). The Court pointed out that different treatment may sometimes be called for to promote equality. The Court also stated that, if there were an infringement of section 15, the achievement of employment equity would be a relevant consideration in justifying the policy within the terms of section 1 of the Charter.

23. In Grant v. Canada, the Federal Court of Appeal concluded that the policy of the Royal Canadian Mounted Police (RCMP) of permitting Sikhs to wear turbans, a religious symbol, rather than the traditional felt hat was not contrary to the guarantees of freedom of religion, equality and liberty in the Canadian Charter of Rights and Freedoms. The Court noted that the policy was introduced by the RCMP to encourage the recruitment of visible minorities.

Human rights legislation

(i) Under-representation in employment sectors

24. In Canadian National Railway Co. v. Canada (Canadian Human Rights Commission) (Action Travail des Femmes), the Supreme Court of Canada concluded that orders of affirmative action programmes under the Canadian Human Rights Act that take into account the effects of past discrimination are acceptable under the Act. The Court thus upheld an order requiring the Canadian National Railway to increase to 13 per cent - the national average - the proportion of women employed in non-traditional occupations, and, until that goal was reached, to hire at least one woman for every four non-traditional jobs filled in the future.

(ii) Disqualification from employment

25. In Forget v. Quebec (Attorney General), the Supreme Court of Canada held that it was not contrary to the prohibition of discrimination in the Quebec Charter of Human Rights and Freedoms to require a person seeking to obtain a permit to practise her profession as a nursing assistant to pass a French-language test, where other applicants who had taken at least three years of full-time instruction in French at the secondary level or later were not required to take such a test.

26. In Brossard (Town) v. Quebec (Commission des droits de la personne), the Supreme Court of Canada held that a municipal hiring policy disqualifying members of the immediate family of municipal employees from being hired by the town involved discrimination on the basis of civil status contrary to the Quebec Charter of Human Rights and Freedoms.

(iii) Mandatory retirement

27. In a number of cases, the Supreme Court of Canada has concluded that mandatory retirement policies were not contrary to the prohibition of discrimination on the basis of age in human rights codes, because they were justifiable as bona fide occupational requirements. Thus, it has upheld mandatory retirement policies for fire fighters (Saskatchewan (Human Rights Commission) v. Saskatoon (City)) and university professors (Dickason v. University of Alberta)

Labour law

28. In Bell Canada v. STCC, the Quebec Court of Appeal held that it was contrary to the Canada Labour Code for an employer to dismiss an employee for absenteeism because of disability, where the employee was receiving social rehabilitation benefits under the Quebec Workmen's Compensation Act. The

Court stated that the Canada Labour Code does not allow an employer to dismiss an employee who is receiving benefits directly related to his or her rehabilitation for work, even if they are characterized as "social".

Article 7. Right to just and favourable conditions of work

Canadian Charter of Rights and Freedoms

29. In Everingham v. Ontario, the Ontario Court (General Division) concluded that a policy in a maximum security psychiatric facility that all mail sent to a patient, including mail from a barrister or solicitor, be opened in the presence of staff, to ensure that contraband items were not received by patients, did not violate various rights guaranteed by the Canadian Charter of Rights and Freedoms. In reaching its conclusion, and in particular in determining that if there were any infringements of Charter rights they were justifiable under section 1 (reasonable limits) of the Charter, the Court referred to article 7 of the International Covenant on Economic, Social and Cultural Rights, and the need to ensure that staff at the psychiatric facility had a safe working environment.

Human rights legislation

(i) Equal pay for work of equal value

30. In Syndicat des employés de production du Québec et de l'Acadie v. Canada (Canadian Human Rights Commission), the Supreme Court of Canada considered section 11, the "equal pay for work of equal value" provision of the Canadian Human Rights Act. It dismissed an appeal against a decision of the Canadian Human Rights Commission that differences in salary between costume workers (predominantly female) and decor workers (predominantly male) did not contravene section 11. The Court agreed with the interpretation that the Commission had placed on section 11, that its purpose is to prohibit discrimination by an employer between male and female occupational groups, not to guarantee individual workers equal pay for work of equal value regardless of sex. Subsequently, in Public Service Alliance of Canada v. Treasury Board, a Human Rights Tribunal held that the misclassification of a predominantly female group resulting in its receiving less pay than a predominantly male group performing comparable work constitutes sex discrimination under section 7 of the Canadian Human Rights Act.

(ii) Leave for religious observance and other leave

31. In Central Alberta Dairy Pool v. Alberta (Human Rights Commission), the Supreme Court of Canada held that, in cases of adverse effect discrimination, employers must take steps to accommodate employees, except where it would cause undue hardship. The Supreme Court of Canada expressly overruled its earlier decision on this point in Bhinder v. Canadian National Railways, where it had stated that there was no duty to accommodate under the Canadian Human Rights Act, if the employment rule in question was a bona fide occupational requirement. In two subsequent decisions, the Supreme Court applied the duty of accommodation to unions and collective agreements, and emphasized that it means making genuine efforts, beyond mere negligible effort, and may involve minor inconvenience to other employees (Central Okanagan School District

No. 23 v. Renaud; Commission Scolaire Régionale de Chambly v. Bergevin). The Central Alberta Dairy Pool, Renaud and Bergevin cases all involved issues of leave for religious observance.

32. The Canadian Human Rights Act prohibits discrimination on the basis of marital or family status. In Canada (Attorney General) v. Mossop, the Supreme Court of Canada held that family status does not include same-sex relationships. It therefore rejected a complaint of discrimination in a case where an employer had denied bereavement leave to the homosexual partner of someone whose father had died, where such leave was available to a spouse.

(iii) Sexual harassment

33. In Robichaud v. The Queen, the Supreme Court of Canada held that the Canadian Human Rights Act, which expressly prohibits sexual harassment, contemplates the imposition of liability on employers for all acts of their employees in the course of their employment, so that they are vicariously liable for sexual harassment by employees. In Janzen v. Platy Enterprises Ltd., the Supreme Court held that the general prohibition of sexual discrimination in the Manitoba Human Rights Act included a prohibition against sexual harassment.

Labour law

34. Section 128 of the Canada Labour Code permits an employee to refuse to work in a place that constitutes a danger to the employee, unless the refusal would put the safety of others in danger, or the danger is inherent in the employee's work. In Dragseth v. Canada (Treasury Board), the Federal Court of Appeal considered the application of section 128 to guards in a maximum security prison who refused to work unless the management added a guard in one area of the prison, and also to the co-chairperson of the safety and health committee, who arranged for a replacement and temporarily left his post to obtain the additional guard. The Court upheld disciplinary action (written reprimands) against the guards, because they had put others' safety in danger, but not against the co-chairperson of the committee.

35. According to section 126 of the Canada Labour Code, employees shall take reasonable and necessary precautions to ensure the safety of other employees. In Canada Post Corp. v. Letter Carriers Union of Canada, the Federal Court of Appeal considered the application of section 126 to employees of Canada Post who were suspended for five days because they had refused to cross a picket line of another union of employees of Canada Post on the ground that they believed picketers in front of their vehicle would be injured if they did so. The Federal Court of Appeal agreed with the conclusion of the Board that "other employees" included those on strike, and upheld the decision of the Canada Labour Relations Board quashing the disciplinary action.

Article 8. Trade union rights

Canadian Charter of Rights and Freedoms

36. Section 2 (d) of the Canadian Charter of Rights and Freedoms guarantees freedom of association. As interpreted by the courts, it protects the rights

of individuals to join together to pursue common goals. This includes the right to establish and maintain associations and trade unions, and to belong to them and participate in their lawful activities, without penalty or reprisal. Section 2 (d) does not, however, protect the particular objects, goals or activities of an association as distinct from the right to associate for the purposes of pursuing them; it does not, therefore, guarantee the right to strike, lock out or bargain collectively (Law Society of Alberta v. Black; Reference re Public Service Employee Relations Act (Alberta); Public Service Alliance of Canada v. Canada).

37. The freedom to associate is collective and public in nature. It does not protect every relationship; some common purpose is required. The right may therefore not extend to individual relationships such as parent/child, doctor/patient or teacher/pupil (Re Catholic Children's Aid Society).

38. In Alex Couture Inc. v. Canada (Attorney General), the Quebec Court of Appeal concluded that provisions in the Competition Act permitting a tribunal to dissolve or prevent a merger that substantially prevents or lessens competition did not infringe section 2 (d) of the Charter, and, in any event, would be justifiable as a reasonable limit under section 1 of the Charter.

39. In Lavigne v. Ontario Public Service Employees Union, the Supreme Court of Canada held that section 2 (d) of the Charter was not infringed by a requirement that a non-member pay dues to a trade union pursuant to a mandatory dues check-off clause in the collective agreement, where a portion of the dues collected was contributed to a political party that the employee in question did not support. Three judges stated that, although the use of union dues for purposes unrelated to collective bargaining was a prima facie infringement of section 2 (d) in these circumstances, it was justifiable under section 1, because it enabled unions to participate in the larger political, social and economic debates of society; three judges stated that freedom of association did not include the right not to associate; and one judge said that the payment of dues did not bring the appellant into association with ideas to which he did not subscribe.

40. In Strickland v. Ermel, the Saskatchewan Court of Queen's Bench considered a provision of the Saskatchewan Trade Union Act enabling a union to require that all employees hired after trade-union certification maintain union membership and pay union dues. The Court held that the application of this legislation to an academic union, including engineering instructors (the complainants in the case), did not breach section 2 (d) of the Charter. In reaching its conclusion, the Court referred to the advisability of courts, as much as possible, staying out of the area of labour relations, and stated that, if section 2 (d) includes freedom not to associate, it is conditioned by the circumstances, and did not apply in the circumstances of that case. The Court of Appeal dismissed the appeal, stating that it agreed with the reasoning of the lower court and pointing out that the action was premature, since there was no evidence that the complainants had as yet suffered any adverse consequences from the provision in question. Leave to appeal to the Supreme Court of Canada was denied.

41. In International Longshoremen's and Warehousemen's Union - Canada Area Local 500 v. Canada, the Supreme Court of Canada held that section 2 (d) was

not infringed by back-to-work legislation ending a labour dispute involving longshoremen by forbidding strikes or lockouts. This confirmed the Court's earlier holdings that freedom of association does not extend to collective bargaining rights.

Article 9. Right to social security

Canadian Charter of Rights and Freedoms

(i) Unemployment insurance benefits

42. In Tetreault-Gadoury v. Canada (CEIC), the Supreme Court of Canada held that the ineligibility under the Unemployment Insurance Act of persons 65 years of age or older for unemployment insurance benefits infringed section 15 (equality rights) of the Charter and was not justifiable as a reasonable limit within the terms of section 1 of the Charter.

43. In Schachter v. Canada, the Federal Court, Trial Division, concluded that the denial of unemployment insurance benefits to the father of a newborn child, where such benefits were available to mothers and adoptive parents, discriminated between natural and adoptive parents and breached section 15 of the Charter. The Court granted a declaratory order extending the same benefits to natural parents. The case was appealed on the issue of remedy only. The Supreme Court of Canada concluded that the appropriate remedy would have been to declare the legislative provision void and of no effect, and to suspend the declaration of invalidity to provide Parliament with time to amend it. However, the Supreme Court did not make the order, because the legislation had already been amended.

(ii) Social assistance

44. In Silano v. British Columbia, the British Columbia Supreme Court concluded that it was contrary to section 15 of the Charter for persons under 26 years of age to receive $25 less in support than those 26 years of age or older. The Court stated that the purpose of conserving provincial revenues and allocating scarce financial resources among applicants did not justify a dividing line between recipients that was arbitrary and unfair, within the terms of section 1 of the Charter.

45. In Gosselin v. Quebec (Attorney-General), the Quebec Superior Court held that section 7 (liberty and security of the person) and section 15 (equality) of the Canadian Charter of Rights and Freedoms were not infringed by an age differential in the social assistance legislation of that province, according to which persons between the ages of 18 and 30 years received lower benefits, if they declined to participate in training programmes. On section 7, the Court stated that it did not include the right to social assistance. On section 15, the Court concluded that the age differential was not discriminatory, because it was not unreasonable to require persons in this age group to take part in training programmes.

46. In R. v. Rehberg, the Supreme Court of Nova Scotia held that a provision of the Nova Scotia Family Benefits Act disentitling single parents to social assistance, if they were cohabiting with a person of the opposite sex

("the man-in-the-house-rule"), violated section 15 of the Charter (under appeal). The Court noted that 97 per cent of the persons disentitled to assistance because of the provision were women, and that there was a discriminatory effect on single mothers on family benefits.

47. In Clemons v. Winnipeg (City), the Manitoba Court of Queen's Bench held that section 15 of the Charter was breached, when family maintenance was denied to a 17-year-old living away from home with her common-law husband and child, in circumstances where it would not have been denied to an adult. The Manitoba Court of Appeal allowed the appeal, on the ground that the applicants should first have sought a remedy pursuant to the appeal procedure under the relevant statute, before seeking Charter relief.

(iii) Pension benefits

48. In McLeod v. Canada (Attorney-General), the Alberta Court of Queen's Bench held that section 15 (equality rights) of the Charter was not breached by a provision of the Canada Pension Plan that had the effect of awarding survivors' benefits to the common-law wife of the deceased rather than to his legal wife, from whom he had been separated for many years.

49. The Supreme Court of Canada has stated that section 15 of the Charter extends to grounds analogous to those enumerated in it. In Egan v. Canada, the Supreme Court of Canada held that sexual orientation was analogous to prohibited grounds of discrimination enumerated in section 15 of the Charter, and therefore protected by it. However, the Court held that it was not a breach of section 15 to restrict the definition of "spouse" in pension legislation to a person of the opposite sex (with four majority judges concluding that this definition was not discriminatory within the terms of section 15, and one relying upon section 1 (reasonable limits) to reach this result).

Human rights legislation

50. In Canada (Attorney-General) v. Druken, the Federal Court of Appeal held that the Canadian Human Rights Act had primacy over other federal legislation so that, even where discriminatory practices are apparently authorized by such legislation, they may be challenged under that Act. In the Druken case, the Federal Court of Appeal held that provisions in the Unemployment Insurance Act which precluded persons from collecting unemployment insurance benefits where they have worked for their spouse, discriminated on the basis of family and marital status, contrary to the Canadian Human Rights Act. Leave to appeal to the Supreme Court of Canada was denied.

Other cases

51. In Clarke v. Clarke, the Supreme Court of Canada held that pension benefits are included in matrimonial assets, and therefore subject to equal division between the husband and wife upon separation under provincial matrimonial property legislation.

52. In Finlay v. Canada (Minister of Finance) (the 1986 Finlay case), the Supreme Court of Canada held that a provincial resident on social assistance

had standing to bring an action to challenge federal funding of the provincial social assistance programme on the ground that the standards set in the federal Canada Assistance Plan had not been met. The position of the Government of Canada before the Supreme Court of Canada in this case was that individuals did not have standing to challenge financial arrangements made between the federal and provincial levels of government. Since the 1986 Finlay decision, the Government of Canada has not challenged the standing of individuals to bring such actions.

53. In Canada (Minister of Finance) v. Finlay (the 1993 Finlay case) the Supreme Court of Canada considered on the merits the action in the earlier Finlay case, which was brought by a plaintiff who suffered from permanent disabilities and received social assistance under the Manitoba Social Allowance Act. The plaintiff alleged that deductions from his assistance payments to recover overpayments previously made by the province had the result that his basic requirements were not met, contrary to section 6 (2) (a) of the federal Canada Assistance Plan. Section 6 (2) (a) requires the provinces to "take into account the basic requirements" of persons in need to be eligible for federal funding. The Supreme Court of Canada held that the government of Manitoba had taken into account the basic needs of the respondent in determining the amount of deductions. According to section 20 (3) of the Manitoba Social Allowance Act, deductions for overpayments may be authorized in an amount "that would not cause undue hardship to the recipient", and the policy of the government of Manitoba was to make such deductions on a gradual basis (5 per cent of the basic living allowance).

Article 10. Protection of the family, mothers and children

Canadian Charter of Rights and Freedoms

(i) Parents and children

54. In Penner v. Danbrook, the Saskatchewan Court of Appeal held that section 15 (equality rights) of the Canadian Charter of Rights and Freedoms was not breached by the Saskatchewan Family Maintenance Act, which permitted a child maintenance order to be discontinued when the child was 18 years of age, in circumstances where she was financially dependent because she wished to continue her education. The Court noted that, given the nature and purpose of the Act respecting child maintenance, age is a relevant consideration in determining whether children should be legally entitled to maintenance from their parents.

55. In Symes v. Canada, the Supreme Court of Canada held that section 15 of the Charter was not violated by the exclusion of child care expenses from business deductions for income tax purposes, where there was a child care expense deduction of a specific amount under the Income Tax Act. The Court indicated that the exclusion did not involve adverse discrimination against women, because, although it was clear their share of the child care burden in society was disproportionate, the plaintiff had not established that women bore a disproportionate share of child care expenses.

56. In Thibaudeau v. Canada, the Supreme Court of Canada held that provisions of the Income Tax Act requiring persons receiving child support payments to include them in their income for tax purposes, and permitting those paying child support to deduct them from income, did not contravene section 15 of the Charter. The Court stated that these provisions are designed to minimize the tax consequences of support payments, thereby promoting the best interests of children by ensuring that more money is available to provide for their care.

57. In B.(R.) v. Children's Aid Society of Metropolitan Toronto, the Supreme Court of Canada considered the question of whether a provision of the Ontario Child Protection Act enabling the Children's Aid Society to obtain wardship of a child for purposes of administering a blood transfusion infringed the guarantee of freedom of religion in the Canadian Charter of Rights and Freedoms. The Court stated that the right of parents to rear their children in accordance with their beliefs, including choosing medical treatment, is a fundamental aspect of freedom of religion. However, in the circumstances under consideration, the limitation on this right served the important objective of protecting children at risk, and was therefore justifiable within the terms of section 1 of the Charter.

(i) Marital status

58. In Miron v. Trudel, the Supreme Court of Canada concluded that marital status is analogous to prohibited grounds of discrimination enumerated in section 15 of the Charter, so that discrimination against common law spouses is contrary to section 15 and requires justification under section 1 (reasonable limits) of the Charter.

Human rights legislation

59. In Alberta Hospital Association v. Parcels, the Alberta Court of Queen's Bench held that a requirement in a collective agreement that persons on maternity leave prepay 100 per cent of their premiums for benefits, whereas persons on sick leave were only required to prepay 25 per cent of the premiums, was discriminatory respecting that part of maternity leave that is health-related, contrary to the Alberta Individual's Rights Protection Act.

Other cases

60. In Moge v. Moge, the Supreme Court of Canada concluded that a divorced wife was entitled under the Divorce Act to continue to receive financial support from her former husband for an indefinite period, because it was not feasible in the circumstances for her to become self-sufficient. The Court noted that the objective of self-sufficiency is only one of several criteria governing maintenance awards in the Act, and that it is a goal only in so far as is practicable. The Court also relied upon evidence that divorce and its economic effects are contributing to the feminization of poverty in Canada.

61. Section 68 of the Bankruptcy Act enables a court to order a bankrupt person or his employer to pay a portion of his wages to the trustee in bankruptcy for purposes of ensuring the discharge of his family responsibilities. In Marzetti v. Marzetti, the Supreme Court of Canada was

called upon to decide whether section 68 could be relied upon to order the Crown to pay part of the bankrupt's income tax refund to the Director of Maintenance Enforcement, for the benefit of his wife and children. In concluding that section 68 permitted such an order, the Supreme Court noted that public policy supported this interpretation, and referred in particular to the goal of defeating the role of divorce in the feminization of poverty, recognized in the Moge case.

Article 11. Right to an adequate standard of living

Canadian Charter of Rights and Freedoms

62. In Alcoholism Foundation of Manitoba v. Winnipeg (City), the Manitoba Court of Appeal held that section 15 (equality) of the Canadian Charter of Rights and Freedoms was breached by zoning by-laws in Winnipeg restricting the location of group care and neighbourhood rehabilitation homes for the aged, convalescent or disabled persons, discharged penal inmates and persons recovering from alcohol or drug addiction. The Court stated that individuals living in group homes constitute a disadvantaged group under section 15 of the Charter. Leave to appeal to the Supreme Court of Canada was denied.

63. The case of Fernandes v. Manitoba (Director of Social Services) concerned an appellant confined to a wheelchair who resided in a hospital. With appropriate care, involving an attendant for 16 hours a day, he would have been able to live on his own, and he wished to do so. The Manitoba Court of Appeal held that the refusal of an additional allowance pursuant to the Social Allowances Act to permit him to hire a care giver and reside in his own apartment did not involve a breach of section 7 (security of the person) or section 15 (equality rights) of the Canadian Charter of Rights and Freedoms. On section 7, the Court noted that his basic needs were being met in the hospital. On section 15, the Court stated that he was unable to live in a community-based setting, not because of discrimination on the basis of disability, but rather because of his need for a care giver and his economic situation. Leave to appeal to the Supreme Court of Canada was denied.

64. In Dartmouth/Halifax County Regional Housing Authority v. Sparks, the Nova Scotia Court of Appeal held that provisions of the Nova Scotia Residential Tenancy Act, which gave residential tenants security of tenure after five years' possession, but expressly denied the benefit to public housing tenants, breached section 15. The plaintiff was a single black mother on welfare assistance. The Court relied on statistical evidence about the composition of the class of public housing tenants to conclude that the legislation discriminated on the basis of race, sex and income. The decision was not appealed by the Attorney-General of Nova Scotia.

65. In 1993, in its list of issues regarding Canada's second report on articles 10-15, the Committee on Economic, Social and Cultural Rights requested information on the case of Clarke v. Peterborough Utilities Commission, involving recipients of social assistance who contested a policy requiring the payment of a cash security deposit from a residential tenant who could not show "a satisfactory payment history or other reasonable assurance of payment of future charges". At that time, the case had not been argued before the courts.

66. In 1995, the Clarke case was decided by the Ontario Court (General Division). The court held that the policy of the Peterborough Utilities Commission was invalid, because there were no clear criteria in place for its application, and therefore it was not authorized by the Public Utilities Act. The court declined to find a breach of section 7 (right to life and security of the person) or section 15 (equality rights) of the Charter. On section 7, the court stated that it does not guarantee economic and social rights devoid of any responsibility to prove oneself creditworthy. On section 15, the court stated that it had not been proven that the policy involved discrimination on the basis of ground covered by section 15. Reference was made to article 11 of the Covenant.

67. See also paragraphs 42 to 53 on social security.

Article 12. Right to physical and mental health

Canadian Charter of Rights and Freedoms

68. In Ontario Nursing Home Association v. Ontario, the Ontario High Court held that a difference in the level of funding of extended care as between nursing homes and homes for the aged did not involve a breach of section 7 (security of the person) of the Charter, because the plaintiff had not established that he was not being adequately cared for in the nursing home.

69. In Brown v. British Columbia (Minister of Health), the British Columbia Supreme Court held that the refusal of the provincial government to fund experimental drug therapy for AIDS patients did not breach section 7, because the economic deprivation involved did not threaten the lives of AIDS patients; rather, it was their disease that did so.

70. In Rocket v. Royal College of Dental Surgeons of Ontario, the Supreme Court of Canada held that the prohibition of advertising by dentists, with certain limited exceptions, in the Ontario Health Disciplines Act infringed section 2 (b) (freedom of expression) of the Charter, and was not justifiable under section 1, because it was overly broad.

71. In RJR-MacDonald Inc. v. Canada (Attorney-General), the Supreme Court of Canada held that the Tobacco Products Control Act, which regulated the advertisement of tobacco products and required unattributed health warnings (that is, not attributed to government) to be placed on them, did not involve a reasonable limit within the terms of section 1 of the guarantee of freedom of expression in section 2 (b) of the Canadian Charter of Rights and Freedoms. All judges acknowledged that protecting the health of Canadians was an objective of sufficient purpose for section 1 purposes. However, the Court was concerned that there was insufficient evidence that an absolute prohibition of tobacco advertising was necessary to achieve this objective, or that attributed warnings would be less effective. The Court referred to a number of international documents, including directives of the European Commission on Human Rights and the Council of Europe, and resolutions of the United Nations Economic and Social Council and World Health Assembly.

72. In Ontario (Attorney-General) v. Dieleman, the Ontario Court (General Division) concluded that an interlocutory injunction prohibiting anti-abortion

activity near abortion clinics and the residences of health care providers was a reasonable limit of free expression, as guaranteed by section 2 (b) of the Canadian Charter of Rights and Freedoms, because of the need to protect the physiological, psychological and privacy interests of women seeking abortions, and to protect health care providers from nuisance.

Article 13. Right to an education

Canadian Charter of Rights and Freedoms

(i) Section 23 (minority language educational rights)

73. In Mahé v. Attorney-General of Alberta, the Supreme Court of Canada held that section 23 of the Charter is a remedial provision aimed at preserving and promoting the two official languages of Canada by ensuring that each language flourishes, as much as possible, in provinces where it is not spoken by the majority of the province. The Court also held that the right of minority language groups to manage and control their own educational facilities was vital to ensuring the flourishing of their language. In the subsequent case of Reference Re Public Schools Act (Man.), the Supreme Court of Canada confirmed its 1990 decision in Mahé.

(ii) Section 2 (a) (freedom of conscience and religion) and section 15 (equality rights))

74. In Adler v. Ontario, the Supreme Court of Canada held that the funding of special health services for children with disabilities in public schools, but not in private denominational schools, did not violate section 2 (a) (freedom of religion) or section 15 (equality rights) of the Canadian Charter of Rights and Freedoms. The Court referred to section 29 of the Charter, according to which the Charter does not derogate from rights granted elsewhere in the Constitution. Furthermore, the Court stated that the decision was made pursuant to section 93 of the Constitution Act, 1867, which gives the provinces a plenary power in relation to education, as part of a historical compromise crucial to confederation.

75. In Eaton v. Brant County Board of Education, the Supreme Court of Canada held that a decision by educational authorities to transfer a child with cerebral palsy from a regular class room to a special education classroom, based on a consideration of the child's best interests, was not in breach of section 15 of the Charter.

Human rights legislation

76. In University of British Columbia v. Berg, the Supreme Court of Canada gave human rights legislation a broad application in one of the main areas covered by it, the provision of goods, services and facilities available to the public. The Court stated that it encompasses not just services and facilities available to all members of the public, but also to smaller, more restricted groups - for example, in the circumstances of that case, to services and facilities provided by a university to its students.

77. In Quebec (Commission des droits de la personne) v. St. Jean-sur-Richelieu, Commission scolaire, the Quebec Court of Appeal held that the refusal to provide a full-time escort to an autistic child enrolled in a class for children with developmental disorders so that he could attend a regular class for reading violated section 10 of the Quebec Charter of Human Rights and Freedoms. Section 10 guarantees the right to the full and equal recognition and exercise of an individual's rights and freedoms without distinction on the basis of handicap. The Court stated that section 10 does not require full integration of disabled children into the regular classroom, but does require that school boards take such steps as are pedagogically and administratively realizable without undue hardship.

Article 15. Right to take part in cultural life, and to enjoy the benefits of scientific progress and the protection of authors' interests

78. Article 15 (1) (b) recognizes the right of everyone to enjoy the benefits of scientific progress and its applications. One mode of achieving this objective in Canada is through competition policy. In R. v. Nova Scotia Pharmaceutical Society, the Supreme Court of Canada upheld convictions of conspiracy to unduly lessen competition in the sale of pharmaceutical drugs contrary to section 32 (1) (c) of the Competition Act. The Court held that section 32 (1) (c) does not contravene section 7 (liberty of the person) of the Canadian Charter of Rights and Freedoms on the ground of vagueness. The Court noted that this section embodies one of the oldest and most important parts of Canadian public policy in the economic field.

II. MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

79. This report reflects the main changes in federal policies, laws and programmes since the submission of the second report on the implementation of articles 6 to 9 (December 1987) and articles 10 to 15 (September 1992) under the Covenant. The information contained in Canada's previous reports is not repeated here. Only significant changes are mentioned. For a complete picture of federal measures to implement the Covenant, the previous reports should be consulted, as well as reports submitted under other treaties, including those submitted to the International Labour Organization (ILO).

A. Structural changes

80. During the period under review, the federal administration has undergone major structural changes. Among these, in 1993, the overall number of departments was reduced from 34 to 23, some agencies were eliminated and many government services were privatized. For instance, a new department of Human Resources Development Canada (HRDC) was created, integrating all the key elements at the federal level with respect to human development into one department. HRDC is primarily responsible for labour, employment, social security, and education and related issues. Many Crown corporations were privatized, including Air Canada, the Canadian National Railway and Petro-Canada. Some agencies were eliminated, such as the Economic Council of Canada, the Science Council of Canada and the Canadian Advisory Council on the Status of Women. Numerous programmes were either abolished or reduced.

81. Canada entered into the Canada-United States Free Trade Agreement (FTA) on 1 January 1989. This agreement was superseded by the North American Free Trade Agreement (NAFTA) between Canada, the United States and Mexico, which came into force on 1 January 1992, and expanded certain areas of the FTA. In 1994, the trilateral trade between the participating countries exceeded $509 billion (Canadian). Additionally, NAFTA side agreements have been reached on labour and environmental matters. The North American Commission for Labour Cooperation is based in Dallas, Texas, and the North American Commission for Environmental Cooperation is based in Montreal, Quebec.

B. Changes to transfer payments to the provinces and territories for social services

82. Social programmes reflect values that Canadians share, such as equality of opportunity, compassion for the underprivileged and protection of the vulnerable. As confirmed by the 1996 speech from the throne and by the budget, the Government of Canada recognizes that it has an important contribution to make in preserving and modernizing Canada's social safety net to ensure that it remains sustainable for those who need support now as well as in future generations.

83. As announced in the Government's 1995 budget, the Canada Health and Social Transfer (CHST) replaced the Canada Assistance Plan (CAP) and Established Programs Financing (EPF) effective 1 April 1996. The 1995 budget also announced a funding reduction of $2.5 billion in 1996/97 and $4.5 billion in 1997/98, in recognition that major transfers to the provinces and territories could not be exempted from overall reductions that were necessary in the face of continuing high deficits reaching almost 6 per cent of GDP in 1993/94. By consolidating federal support for post-secondary education, health, social services and social assistance, provincial and territorial governments have been provided greater flexibility to design and administer social programmes and to better address the needs of all Canadians. Compared to previous programme-specific approaches, this flexibility will allow provinces and territories to allocate resources, where they believe they are most needed. As under the Canada Assistance Plan, the CHST continues to permit provinces and territories to design and implement their own programmes and programme parameters, including the establishment of welfare rates and eligibility criteria. It is also consistent with the division of responsibilities in the Canadian Constitution.

84. In May 1995, the Committee on Economic, Social and Cultural Rights received representations from Canadian non-governmental organizations expressing strong concerns that the CHST, if enacted, would result in serious contraventions of Canada's obligations under the Covenant. Having carefully considered this matter, the Committee Chairperson wrote to the Permanent Representative of Canada to the United Nations Office at Geneva noting that the Committee would welcome observations by the Government of Canada on this matter in the context of the present report, the next periodic report under the Covenant.

85. With respect to issues raised concerning national principles for health programmes funded through the CHST, the Government has made it clear that it

intends to make no change to the basic criteria and conditions of the federal legislation, the Canada Health Act. The requirements of this legislation will continue to be enforced by withholding funds, if necessary. Furthermore, under the CHST, full contributions to the provinces and territories require - as did the rules of CAP - that social assistance be provided without any minimum residency requirement. The CHST legislation clearly sets out the enforcement regime, including a CHST cash reduction, that underlies this condition.

86. As laid out in the CHST legislation and the 1996 speech from the throne, the Government of Canada will work with the provinces and Canadians to develop, by mutual consent, the values, principles and objectives that should underlie, first, the Canada Health and Social Transfer and, building on this, the social union more generally. Further to the First Ministers Conference held in June 1996, federal, provincial and territorial governments will work together to build upon the work done by the provinces and territories through the Ministerial Council on Social Policy Reform and Renewal. A variety of social policy areas will be looked at, including principles and objectives for the CHST, and efforts in response to the issues of child poverty and support to disabled persons. Federal, provincial and territorial governments are committed to gender-impact analysis and to applying principles of gender equity to social reforms.

87. The CHST consists of tax points and cash transfers. A five-year legislated funding arrangement provides funding to the provinces that is stable, predictable and sustainable. The non-governmental organizations that made representations to the Committee expressed concern over future reductions in federal transfers and uncertainty regarding the cash floor of the CHST. In 1996, the budget of the Government of Canada set out a five-year funding arrangement through which transfers are maintained and then grow. CHST entitlements are set at $26.9 billion in 1996/97 and $25.1 billion in 1997/98, and will be maintained at the 1997/98 level of $25.1 billion in 1998/99 and 1999/2000. For 2000/01, entitlements will grow at 2 per cent less than the growth rate of GDP. The rate of entitlement growth will then accelerate in 2001/02, when growth will be at the GDP rate minus 1½ per cent, and in 2002/03 when growth will be at one precent less than the growth rate of GDP. The resumption of entitlements growth is projected to first stabilize, and then restore growth in the CHST cash component. To provide additional security against unexpected economic fluctuations, a legislated cash floor will ensure that the CHST cash component will total at least $11 billion a year throughout the five-year fiscal arrangement. Thus, the provinces and territories will benefit, not only from the growing value of the cash and tax component, but from the cash guarantee as well.

C. Consultations with non-governmental organizations

88. The Government of Canada has written to many non-governmental and Aboriginal organizations, inviting them to give their views on the issues to be covered in the federal portion of the present report. These organizations were invited to provide the names of other organizations that might be interested or to forward to them a copy of the Government's letter.

89. Responses were received from the following organizations: the Canadian Association of Food Banks, the Canadian Association of the Non-Employed, the Canadian Council on Social Development, the Child Care Advocacy Association of Canada, the Child Poverty Action Group (Ottawa-Carleton Chapter), the Edmonton Gleaners Association (Edmonton Food Bank), the National Council of Women of Canada, the National Anti-Poverty Organization and the Ontario Social Development Council.

90. Most of the observations made by the non-governmental organizations (NGOs) deal with the changes made by the federal Government to transfer payments to the provinces and territories; it should be noted that these responses were received prior to the 1996 speech from the throne, which reiterated the Government's commitment to develop, with the provinces, principles, values and objectives to underlie the CHST, and prior to the 1996 federal budget, which announced five-year funding for the CHST. The NGOs expressed concern that the replacement of the Canada Assistance Plan by the Canada Health and Social Transfer and the reductions in the amount of transfers to the provinces and territories would result in lower welfare payments to people in need, a general reduction in social services, and increased poverty in Canada in general, and especially as regards lone-parent families and children. Some organizations are concerned that, because the new transfer payments will not be made subject to some conditions, except for the non-residency requirement, provinces and territories might adopt measures that will contravene Canada's obligations under the Covenant.

91. Some of these NGOs regret that a national child care programme - a system of high-quality care, available to all children - has not yet been established to enable all parents to seek and keep employment and to complete their schooling. Most NGOs advocate the development of a non-profit, comprehensive, affordable child care system that is accessible to every Canadian family who wishes to use it. One organization fears that access to health care will be reduced and that provision of health care will be determined by income rather than by need.

92. Another group believes that the federal Government has been unsuccessful in creating jobs and, while recognizing efforts made to review training programmes, regrets that access to employment insurance was reduced.

93. The comments received from these organizations were taken into consideration in the preparation of the federal section of the present report and in the review of jurisprudence. All the contributions received are being forwarded to the United Nations along with this report. Copies of all the contributions received were forwarded to the federal departments and agencies with the main responsibilities for the implementation of the Covenant. Because many comments received pertained to areas of provincial and territorial jurisdiction, copies of all the contributions received were also forwarded to all provincial and territorial governments through their representatives on the Continuing Committee of Officials on Human Rights.

D. Concluding observations

94. Following the review of Canada's second report on articles 10 to 15 of the International Covenant on Economic, Social and Cultural Rights, in

May 1993, the Committee on Economic, Social and Cultural Rights issued concluding observations (E/C.12/1993/5), which were transmitted to the Government of Canada. The Committee commended Canada for its excellent report. It noted with satisfaction a number of programmes and initiatives implemented with a view to strengthening protection of human rights and noted significant progress in many areas covered by articles 10 to 15. The Committee expressed some concerns, however, on a number of issues, given representations made by some NGOs with respect to the implications of some of the rights of the Covenant. As requested by the Committee, Canada has agreed to provide information about the developments and measures taken with regard to the issues raised and recommendations made in paragraphs 14 to 32 of the concluding observations. These issues and recommendations are addressed throughout the present report.

95. Canada is aware of the difficulties that some Canadians are still facing following a recent recession - especially unemployment or low income - and is working to secure an economic recovery mainly through job creation. Canada is also very concerned at the increasing number of Canadians who live in difficult conditions and is committed to working on these problems on all fronts, as explained in the present report.

96. It is important to stress that there is an ongoing debate on an appropriate definition and measure of poverty. Both absolute and relative measures of poverty are currently used in Canada. The most prevalently used measure of poverty is Statistics Canada Low-income Cut-offs (LICOs), a series of estimates classified by family size and location that set a low income cut-off which is useful in tracking trends in the incidence of low income. Statistics Canada has repeatedly stated publicly that these LICOs are not meant to act as poverty lines, although they are commonly used as such by many academics and social policy organizations, as well as by the media and anti-poverty advocates.

97. In Canada, a system of federal, provincial and territorial government programmes and services provides income assistance and social services to disadvantaged and vulnerable Canadians. Federal expenditures include: direct income support to seniors, families - especially those with children, persons temporarily unemployed and students; transfer payments to provincial and territorial governments to support their programmes of social assistance (which aims to provide income support for meeting basic needs such as food, shelter, utilities, etc.), services, post-secondary education and health care; and a wide range of labour-market training, supports to employment, programmes in support of disabled persons, as well as tax measures (e.g. credits). Provincial and territorial governments are primarily responsible for the design and delivery of education (including training), health and social supports. For further information on federal programmes, see paragraphs 180-222 of the federal section on the right to social security; the protection of family, children and mothers; the right to an adequate standard of living; and the right to health.

98. In addition, specific programmes have been developed to respond to challenges of poverty and hunger. For example, investment in children was identified as a national priority by Canada's First Ministers in June 1996. Since then, the Government of Canada has been working together with provincial

and territorial governments on options to develop a national child benefit system. The goals of the national programme are to reduce child poverty, promote workforce adjustment and reduce government overlap and duplication. In doing so, it will help address concerns about benefit disparities in the current system of income support programmes for low-income families and children. Under the new system, the federal Government would introduce an enriched Canada child tax benefit, while provinces and territories would redirect some of their spending to improve services and benefits for low-income families with children. In the 1997 federal budget, the Government of Canada made an initial and ongoing commitment to initiate the development of a national child benefit system. It outlined a two-step enrichment of the current $5.1 billion child tax credit, to create a new $6 billion Canada child tax benefit (see paragraphs 187-191). The $850 million increase in federal annual spending includes $600 million in new funds in addition to the $250 million increase in the working income supplement proposed in the 1996 federal budget (see paragraph 190). The Government of Canada will continue to work in partnership with the provinces and territories in the development of the national programme, with implementation expected in July 1998.

99. The new Employment Insurance Programme introduced in July 1996 is another example of the approaches taken by Canada to respond to the challenges of poverty and hunger. The new programme is designed to help unemployed Canadians get back to work and includes measures to protect low income claimants, particularly those with children, through an innovative family income supplement. The new family income supplement is aimed at claimants in families who receive the child tax benefit and have an annual family income below $26,000. The new hours-based system will also be more equitable for women (see paragraphs 202-211).

100. Additional labour initiatives include the Labour Force Development Strategy, in which $3.8 billion were spent in 1993 on training and adjustment programmes to help Canadians get back to work (see details in paragraphs 212-218). Moreover, projects such as the New Brunswick Self-Sufficiency Program and British Columbia Skills Now, funded by the federal Government, assisted many social assistance recipients to return to work, most of whom were single mothers (paragraph 1233 of the New Brunswick section and paragraphs 443-448 of the British Colombia section).

101. Another approach by the Government of Canada to alleviate poverty and hunger includes "Brighter futures", which is a series of initiatives introduced by the Government in close partnership with the provinces, territories, First Nations, communities and non-governmental organizations to better meet the needs of Canada's children. The children's initiative supports families and children most in need (see paragraph 312). One of its key components is Canada's Plan for Action, mentioned in paragraph 227, which has been praised by UNICEF as one of the best examples of a national plan of action prepared in the industrialized countries.

102. The guaranteed income supplement for seniors described in paragraphs 192-197 has also helped improve the situation of at least 14.3 per cent of seniors between 1980 and 1990.

103. Greater emphasis has been placed on housing issues in the present report. An overview can be found in paragraphs 269 to 293. In addition, the national housing agency, Canada Mortgage and Housing Corporation, has prepared a special background report, which presents information on such issues as homelessness, measurement of housing needs, housing-related expenditures by governments, and specific actions taken to facilitate broad access to quality, affordable housing.

104. Paragraphs 7 and 8 above explain how the Canadian Charter of Rights and Freedom has enhanced the protection of the rights guaranteed in the International Covenant on Economic, Social and Cultural Rights, especially with respect to the right to an adequate standard of living. The role of governments in litigation is dealt with under paragraphs 9-10. The application of human rights legislation is described in paragraphs 14 to 16. Information concerning training of the judiciary can be found in paragraphs 17-19.

105. The Court Challenges Programme was reinstated in 1993. Funded by the federal Government but administered by a non-profit independent agency, the Programme is designed to clarify language and equality rights guaranteed under Canada's Constitution and enable equality-seeking and official minority-language groups and individuals to pursue their legal and constitutional rights through the courts (see paragraphs 11-13).

E. World Summit for Social Development

106. Canada participated actively in the World Summit for Social Development held in March 1995 and has endorsed the Declaration and Programme of Action adopted at the Summit.

107. In preparation for the Summit, the Department of Foreign Affairs and International Trade, which had overall responsibility for Canada's participation in the Summit and for its follow-up, set up an interdepartmental committee to exchange information and seek other departments' views. The Canadian International Development Agency, for the international aid dimension, and the Department of Human Resources Development, for the domestic side, were the two main partners of the Department of Foreign Affairs and International Trade in this undertaking.

108. The provincial and territorial governments were informed of the Summit and they were invited to an information meeting held in Ottawa in 1994. Also, in preparation for the Summit, a group of Canadian NGOs formed a coordinating committee made up of the Canadian Council for International Cooperation, the United Nations Association in Canada, the National Anti-Poverty Organization and the Canadian Council on Social Development. This committee carried out a consultation in Canada and expressed NGOs' concerns regarding social development. The committee was disbanded after the Summit; however, the NGOs continue their involvement and are keenly interested in the follow-up to the Summit.

F. Fourth World Conference on Women

109. Canada played a leadership role in the preparation for and during the Fourth World Conference on Women, held in Beijing, in September 1995.

110. The Canadian delegation went to Beijing determined to do its part to achieve a strong, pragmatic plan of action to advance women's equality worldwide. The Platform for Action, the final document adopted at the Conference, is exactly that. Women have made significant gains, especially in the Platform's recognition of women's human rights, their reproductive rights, the value of their unpaid work and the need to address violence against women. Canada played a leading role on many of these issues.

111. The federal Government is committed to implementing the Platform for Action. In Canada, the cornerstone for the Platform's implementation is the document, "The Federal Plan for Gender Equality: Setting the Stage for the Next Century". The Plan outlines the Government's specific commitments to advance women's health, economic and cultural equality, to reduce violence and to broaden access to decision-making at all levels.

112. Among the Plan's key elements is a requirement for a gender-based approach to policy-making to ensure that future federal policy development and analysis are undertaken with an appreciation of gender differences and a respect for diversity.

G. Information with respect to individual articles of the Covenant

Article 1. Right to self-determination

113. Canada subscribes to the principles set forth in this article.

Article 2. Rights specifically subject to non-discrimination provisions

114. In June 1996, Parliament enacted Bill C-33, which added sexual orientation to the Canadian Human Rights Act as an express prohibited ground of discrimination. The Canadian Human Rights Act has been under review with respect to a number of other areas: the nature and scope of legal obligations under the Act, including the duty of accommodation; administrative structures; the role of the Canadian Human Rights Commission, in particular with respect to systemic discrimination; process and procedures; and remedies for discrimination. The timing and process for reviewing and making further changes to the Act are currently being examined.

115. With regard to the expansion of the role of women in the Canadian Armed Forces, the following steps have been taken: in October 1987, all restrictions on the employment of women in flying duties in the Canadian Forces were removed; in February 1989, as a result of a Human Rights Tribunal decision, all restrictions on the enrolment of women in the Canadian Forces were removed with the exception of employment in submarines; in February 1990, the Minister's Advisory Board on Gender Integration in the Canadian Forces was

formed to monitor the full integration of women in the Canadian Forces. The proportion of women serving in the Canadian Forces increased from 9.5 per cent in 1987 to 11 per cent in January 1995.

116. Finally, as a result of the enactment of pension reform legislation in 1992, the Public Service Superannuation Act now applies to part-time employees.

Development cooperation

117. Canada's development assistance strategy is consistent with the principle of promoting the realization of economic, social and cultural rights as explained in Canada's second report on articles 10-15 of the Covenant (paragraphs 79-82).

Article 6. Right to work

118. The information requested in paragraphs 2 and 3 of the current guidelines has been provided, for the most part, in Canada's previous reports under the Covenant. For information on the right to work, please refer also to the following reports submitted to ILO:

> Reports on the Employment Policy Convention for the periods 1 July 1992 to 30 June 1994 (pages 2-7A), 2 July 1990 to 30 June 1992 (pages 1-15, 21-27), 1 July 1988 to 30 June 1990 (pages 4-46), and 1 July 1994 to 30 June 1996 (pages 4-10);
>
> Report on the Employment Service Convention for the period 1 July 1989 to 30 June 1993 (pages 1-11);
>
> Reports on the Discrimination (Employment and Occupation) Convention for the periods 1 July 1994 to 30 June 1995, 1 July 1992 to 30 June 1994 (pages 1-2, 10-16, 20-26), 1 July 1990 to 30 June 1992 and 1 July 1988 to 30 June 1990;
>
> Report on the Termination of Employment Convention and the Termination of Employment Recommendation for the period ending 31 December 1993 (pages 6, 11-12, 13, 15-16, 17-18, 21-22, 23 and annex C);
>
> Report on the Convention on the Elimination of all Forms of Discrimination against Women for the period from 1 January 1991 to 31 March 1994 (pages 2, 8, 18, 20-21, 24-26).

Right to gain a living by work freely chosen

119. The Government of Canada recognizes that a more productive and innovative economy is the key to ensuring that there is work for those who want it. Hence, the Government's strategy has been to ensure that public policies contribute to an environment that supports job creation in the private sector. The Government's role in this context is to support those who are responsible for creating jobs in the new economy - business, labour and individual Canadians. The main components of the Government's job-creation strategy are: a stable macroeconomic policy, actions to promote the demand

for labour through the growth of private-sector businesses, actions to promote the supply of labour through enhanced skills in the workforce, and actions to more effectively match the supply of and demand for labour.

120. The Government of Canada's macroeconomic (monetary and fiscal) policies are focused on building confidence in the economy and ensuring the sustainability of high-priority government programmes. Fiscal policy actions are bringing the Government's annual budget deficits towards more sustainable levels by, for example, ensuring that new programmes are funded by reallocating resources to their highest-priority and most effective uses, and by reducing the amount of overlap and duplication within and between levels of Government. The Government is on track to reduce the deficit from 6 to 3 per cent of GDP within its first three years, and its deficit target of 1 per cent of GDP for 1998/99 represents an expected reduction of almost 80 per cent over five years. The Government's monetary policy is focused on keeping the annual rate of inflation between 1 and 3 per cent; this will encourage investment by keeping interest rates as low as possible.

121. The Government of Canada is encouraging greater demand for labour through a wide range of microeconomic policy actions. These include: improving access to investment capital, particularly for small businesses and exporters; improving access to business information; and promoting science and technology and the growth of high-technology industries. Steps are also being taken to make it easier for businesses to operate by, for example, reducing the paper and regulatory burden, and by setting or updating the policy and regulatory frameworks for emerging or key sectors to support their future development. In addition, the payroll tax levied for employment insurance has been reduced and the 1996 budget launched a review of tax laws that most affect job creation, including corporate income, capital and payroll taxes.

122. Efforts have also been made to expand trade opportunities for Canadian businesses by liberalizing trade between Canadian provinces and territories, and by aggressively pursuing the reduction of international trade barriers through the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO).

123. The Government of Canada has directly promoted job creation through a $6 billion joint federal-provincial-territorial-municipal infrastructure-improvement programme that was recently extended with an additional $425 million in federal funding for 1997/98 to bring its total funding to $600 million in that year. Under the new Employment Insurance Programme, several employment benefits, including targeted wage subsidies, self-employment assistance and job creation partnerships, will help people find or create their own jobs. Funding has also been increased to help young Canadians get valuable work experience. A new Youth Employment Strategy is building on new and existing funding and will create over 110,000 work experience opportunities for young people.

124. The Government is also promoting a stronger supply of labour by promoting improved skills in the workforce and by reducing the disincentives to work. The federal Government, in partnership with business and labour,

continues to expand the Sectoral Partnerships Initiative, which is ensuring that Canadians in key economic sectors have the right skills for the new economy.

125. The Government of Canada has made changes to certain social programmes to reduce disincentives to work. Changes to the Employment Insurance Programme now encourage workers to work longer before collecting benefits and penalize workers who use the system on an annual basis, and additional support is being provided to help unemployed workers to re-enter the labour market. Benefits have also been increased under the Working Income Supplement, which helps low-income families meet some of the extra costs related to participation in the paid labour force, such as transportation to work and child care expenses.

126. The federal Government has taken steps to ensure that those who want work are able to find out about opportunities and take advantage of them. An electronic bulletin board, the Electronic Labour Exchange, was established to help people match their skills with jobs available in Canada. In addition, the recent agreement governing trade between provinces includes provisions to reduce barriers to mobility of workers across provincial borders.

Discrimination in employment

127. The Canadian Human Rights Act prohibits discrimination in employment as explained in previous reports. The Canadian Human Rights Commission continues to promote the principles of the Act and to process complaints of discrimination of its provisions. Details of the operations of the Commission can be found in its annual reports.

Employment equity

128. Employment equity in Canada is the subject both of legislation (the Employment Equity Act) and of non-legislated federal contracting policy (the Federal Contractors Programme). A new Employment Equity Act was adopted by Parliament in 1995. The new Employment Equity Act and related regulations were proclaimed and came into force on 24 October 1996.

129. Under the 1986 Act, the Canadian Human Rights Commission investigated complaints and initiated voluntary reviews with employers. For a detailed overview of the Commission's employment equity activities up to 1995, please refer to the following publication published by the Commission in 1994, and amended in 1995: The Canadian Human Rights Commission and Employment Equity.

130. The new Employment Equity Act strengthens considerably the Employment Equity Act of 1986. The new Act continues to apply to private-sector employers under federal jurisdiction and Crown corporations with 100 employees or more. It also expands coverage to the federal public service. The Canadian Forces and members of the Royal Canadian Mounted Police will be subject to the Act upon order of the Governor in Council.

131. The new Act provides for enforcement of employer obligations by giving the Canadian Human Rights Commission a specific legislative mandate to monitor and verify compliance through on-site employer audits. Employers

have 12 months to prepare for the audit process established by the new Act. During this time, the Commission is preparing for its new audit responsibilities, and is conducting test audits with a small group of employers in the private and public sectors. Additionally, the Commission has consulted on its audit process with interested groups from both the private and public sectors, including advocacy groups, employer and employee organizations and labour, and is preparing documents outlining the audit framework and the criteria to be used to measure compliance. The new Act creates an Employment Equity Review Tribunal with the power to issue court-enforceable orders. Core employer obligations are clarified in the new Act. An administrative penalty replaces the current criminal proceedings for the failure of a private-sector employer to submit the required annual employment equity report to the Minister of Labour.

132. The Federal Contractors Programme applies to contractors doing business with the federal Government, who are not under federal jurisdiction (and are therefore not covered by the Employment Equity Act), who employ 100 or more employees and who have contracts valued at $200,000 or more. Under this programme, contractors are required to develop and implement employment equity plans to address under-representation in their workforce of four designated groups shown to experience disadvantage in employment - women, members of visible minorities, Aboriginal peoples and persons with disabilities. They must meet 11 criteria to be found in compliance with the requirements of the programme. If they fail to meet these criteria, they may be prohibited from bidding on future contracts.

133. Under the new Employment Equity Act, the requirements of the Federal Contractors Programme with respect to the implementation of employment equity must be equivalent to those imposed on employers subject to the Act itself.

134. In addition to changes to the Employment Equity Act, the Public Service Employment Act and the Public Service Employment Regulations were amended in 1993 to provide a legislative basis for employment equity programmes in the federal public service. Amendments provided for a definition of "employment equity programme", establishment of different selection criteria for members of employment equity groups to facilitate their representation in the public service and for the establishment of a priority for the reintegration of employees who become disabled and are no longer able to carry out their functions.

135. The Government is also using technology to further employment equity objectives by introducing "Diversity on-line" and is partnering private-sector organizations to develop a computer interface to assist those with accessibility limitations.

Support for persons with disabilities

136. The Vocational Rehabilitation of Disabled Persons (VRDP) Act enables the Government of Canada, under time-limited agreements, to contribute 50 per cent of approved costs incurred by provinces and territories in providing a comprehensive programme to enable persons with disabilities to pursue employment. Goods and services provided include: assessment, counselling,

training, employment placement, maintenance or training allowances, technical aids, books and equipment. Expenditures in respect of 1994/95 were $168 million.

137. The three year VRDP agreements have been extended an additional year to 1998 at a level of $168 million. The extension will enable the Government of Canada to work collaboratively with provincial and territorial governments and the disability community to redesign the programme to better equip persons with disabilities to enter the mainstream workforce.

138. A Federal Task Force on Disability Issues was appointed in June 1996 to consult with the disability community, and has provided policy recommendations. As a result, the VRDP programme described above has been extended and a number of initiatives which constitute part of the Government of Canada's response to the Task Force report were announced in the 1997 federal budget. The measures reflect the report's two key thrusts: increasing tax recognition of the cost of disability and reducing barriers to employment for people with disabilities. As such, the 1997 budget includes a number of tax measures, tariff relief and a new Opportunities Fund of $30 million a year over three years. The Fund will help to develop strategies that reduce barriers to participation for Canadians with disabilities who are seeking to move from reliance on social assistance to greater financial independence. In addition, the federal Government will maintain funding to non-governmental organizations representing persons with disabilities.

Protection against arbitrary termination of employment

(i) Protection against unjust dismissal

139. Division XIV of Part III of the Canada Labour Code provides a procedure for making complaints against a dismissal that an employee considers to be unjust. All employees (managers excluded) who have completed 12 consecutive months of continuous employment with the same employer and who are not subject to a collective agreement are covered by the Code's unjust dismissal provisions. The complaint must be lodged no later than 90 days from the date of the dismissal. Once a complaint is received, government officials will attempt to resolve the dispute. Where this is not possible, the Minister of Labour may appoint an adjudicator to settle the matter. The adjudicator's decision is final.

(ii) Termination of employment

140. Division X of Part III of the Code requires employers to give individual employees two weeks' written notice of termination, or two weeks' pay in lieu of notice, except where the employee is dismissed for just cause. Employees must have been continuously employed for at least three months to qualify for notice of pay in lieu.

141. If an employer intends to terminate the employment of 50 or more employees in an industrial establishment within any four-week period, Division IX of Part III of the Code requires that at least 16 weeks' advance notice be given in writing to the Minister of Labour, the Department of Human

Resources Development and any trade union recognized as the bargaining agent for the affected employees. Where there is no bargaining agent, notice must be given directly to the employees.

142. An employer who gives notice of a group termination is also required to establish a committee of employer and employee representatives for the purposes of developing an adjustment plan to reduce the impact of the termination upon the affected employees.

(iii) Technological change

143. In addition to the measures mentioned in previous reports, it should be noted that the Canada Labour Code, Part I, contains specific provisions concerned with the introduction of technological change. An employer is required to give 120 days' notice to the bargaining agent of a proposed technological change that is likely to affect the terms and conditions of employment or the employment security of most employees. This notice is to be in writing and is to contain the nature of the technological change, the date on which the employer proposes to effect the change, the approximate number and type of employees likely to be affected, and the effect that this change is likely to have on the terms and conditions of employment and employment security.

Elimination of discrimination in the workplace

144. Human rights legislation may be invoked in relation to employment practices, including hiring and firing in the workplace. Various courts and tribunals have recognized infection with HIV/AIDS as a "physical disability" within the meaning of the Canadian Charter of Rights and Freedoms or the Canadian Human Rights Act. This guarantees persons living with HIV/AIDS the right to protection against discrimination based on the state of their health. "Disability" includes those who are asymptomatic, as well as those who associate with persons who are living with HIV/AIDS.

145. As there are prejudices that associate HIV/AIDS with homosexual persons, the prohibition against discrimination on the basis of sexual orientation provides additional protection. The Canadian Human Rights Act was amended in 1996 to add sexual orientation as a protected ground of discrimination.

146. In 1994, the Treasury Board adopted a policy on HIV/AIDS in the workplace which applies to all employees of the Public Service of Canada. The policy states that employees with HIV infection or AIDS do not pose a health risk to others in most work environments. Employees living with HIV/AIDS are encouraged to remain productive as long as they are able and they are not to be discriminated against. All departments are required to ensure that the rights and benefits of employees living with HIV/AIDS are respected. As with other health conditions, reasonable employment accommodation up to the point of undue hardship should be made for employees with HIV/AIDS infection. The policy states that mandatory testing as a condition of employment must not be carried out in the public service.

Non-discriminatory practices

147. The guidelines for this report require information concerning cases for which a distinction is not considered discriminatory, owing to the inherent requirement of the job. By virtue of section 15 of the Canadian Human Rights Act, the following situations do not constitute a discriminatory practice when:

> Any refusal, exclusion, suspension, limitation, specification or preference in relation to any employment is established by an employer to be based on a bona fide occupational requirement;
>
> Employment of an individual is refused or terminated because that individual has not reached the minimum age that applies to that employment by law or under regulations which may be made by the Governor in Council for the purposes of this paragraph;
>
> An individual's employment is terminated because that individual has reached the normal age of retirement for employees working in positions similar to the position of that individual;
>
> The terms and conditions of any pension fund or plan established by an employer provide for the compulsory vesting or locking-in of pension contributions at a fixed or determinable age in accordance with sections 17 and 18 of the Pension Benefits Standards Act, 1985;
>
> An individual is discriminated against on a prohibited ground of discrimination in a manner that is prescribed by guidelines issued by the Canadian Human Rights Commission pursuant to subsection 27 (2), and considered to be reasonable;
>
> An employer grants a female employee special leave or benefits in connection with pregnancy or childbirth, or grants employees special leave or benefits to assist them in the care of their children; or
>
> In the circumstances described in section 5 or 6, an individual is denied any goods, services, facilities or accommodation or access thereto, or occupancy of any commercial premises or residential accommodation, or is a victim of any adverse differentiation, and there is bona fide justification for that denial or differentiation.

Article 7. Right to just and favourable conditions of work

Remuneration

148. For information provided to the ILO on this question, please refer to the following reports:

> Reports on the Equal Remuneration Convention for the periods 1 July 1991 to 30 June 1993 (pages 6-14 and 21-28),

1 July 1989 to 30 June 1991 (pages 7-11 and 21-23), and 1 July 1993 to 30 June 1996 (pages 2-3, 8-12, 17, 18 and 20-22);

Report on the Weekly Rest (Industry) Convention 1921 (No. 14) for the period 1 July 1990 to 30 June 1994.

149. Information on the principal methods used for fixing wages was provided in Canada's first report on articles 6 to 9 (pages 39-42).

150. Part III of the Canada Labour Code gives the federal Government authority to set a minimum wage for employees who work for employers under federal jurisdiction. The minimum wage was set at $4.00 an hour in 1986 and had not been changed until September 1995, when the Government announced increases to the minimum wage which became effective in mid-1996. The new federal rate is adjusted to the rate established in each province and territory; however, only the rates applying to adult workers are adopted; lower rates for young workers and other categories of workers that may exist do not apply to employees under federal jurisdiction.

151. Historically, the federal minimum wage rate was uniform throughout the country. However, most employers under federal jurisdiction have adjusted their minimum wage to those applied in the province or territory where they operate.

Equal remuneration for work of equal value

152. As mentioned in previous reports, the Canadian Human Rights Act and the Canada Labour Code protect employees who work in the federal jurisdiction from gender discrimination in pay.

153. The Canadian Human Rights Commission continues to promote respect for the equal pay provisions of the Canadian Human Rights Act and to investigate complaints made under these provisions. The Commission reports that, since 1987, it has resolved about 118 complaints. Total compensation payments equate roughly to $950 million, mostly paid for equalization to federal public employees since 1985. At the end of 1996, 18 complaints were under investigation, 4 at conciliation, 7 at Tribunal, 3 at Federal Court, and 1 being monitored because of a Tribunal order. Similar complaints have been grouped to facilitate and expedite the processing of complaints. While acknowledging that the complaint procedure has had some commendable results in individual cases, the Commission has expressed the view that the Canadian Human Rights Act should be amended to require that employers take the initiative in eliminating sex-based inequities from their compensation systems. The Government of Canada is examining the recommendations of the Commission, taking into account the progress made in implementing pay equity at the federal level.

154. The Labour Programme of Human Resources Development Canada (formerly Labour Canada) operates a proactive programme to ensure pay equity in the federally regulated establishments. As at the end of 1994, officials of the Department had visited some 1,250 employers under federal jurisdiction who employ a significant number of the total number of employees covered by the federal equal pay legislation, to offer advice and counselling and to

monitor progress towards implementation. While the legislation does not require employers to report the amounts of pay equity adjustments, some 47 employers voluntarily reported $38.9 million in adjustment as at April 1995. Some cases were referred to the Canadian Human Rights Commission for investigation and were resolved.

155. In 1991, the Department launched a major review of pay equity compliance by federally regulated employers. The review was based on a 10 per cent sample of the employers being monitored by the Department. Eighty-eight per cent of the employers surveyed reported that the implementation process was complete or at various stages of completion. The results of this review have been described in the 1993 report to the International Labour Organization on the Equal Remuneration Convention. Following this review, two new measures were implemented. First, the Department established equal pay standards, which set "reasonable time frames" within which employers are expected to complete all phases of the implementation of equal pay; the time frames vary from three to five years. Second, in 1994, the Department introduced a pay equity audit process to verify the actions of employers who report having completed their implementation and to work with those employers to resolve any identified gender-based pay inequities.

156. With respect to the public service, the Treasury Board continues to implement equal pay for work of equal value between men and women (pay equity). Over the years, substantial progress has been made, with significant amounts of money spent on pay equity adjustments. Moreover, a major settlement was reached in early 1995 with the Professional Institute of the Public Service of Canada. However, complaints filed by the Public Service Alliance of Canada are still pending before the Human Rights Tribunal, and a final decision is expected in 1997. A number of individual and collective equal pay complaints are currently before the Canadian Human Rights Commission, and the Treasury Board is cooperating in their investigation.

157. The Women's Bureau of the Department of Human Resources Development has undertaken a series of projects related to the issues of equal pay for work of equal value. In March 1991 and 1994, the Bureau and Statistics Canada released a publication Women in the Labour Force, which examines the situation in Canada regarding trends in women's labour force participation, differences in earnings of men and women, women's educational attainment, and maternity and Canada and Quebec Pension Plan benefits. The publication also provides information on unionization and pension plans, and contains a section on employment and earnings of women in the federal jurisdiction.

Conditions of work

158. Under the Canadian Human Rights Act, establishing conditions of work for women that are inferior to those enjoyed by men would be illegal. Such conditions of work could be the objects of complaints under the Act and declared illegal.

Safe and healthy working

159. The occupational safety and health provisions of the Canada Labour Code (now Part II of the Code) are currently being revised, as well as the occupational safety and health regulations adopted under the Code. A tripartite consultation process is the method by which these revisions are being made. Government representatives, along with representatives of employers and employees, are meeting to formulate revisions that will cover industry compliance and safety demands.

160. The Government has formulated a compliance policy to guide compliance activity under the Canada Labour Code. The policy describes the methods used to inform employers and employees within the federal jurisdiction, and assist them in obeying the law. It is published so that employers and employees will know how the Code is administered. The policy strives to create consistent, effective and cost-efficient compliance activities, while employing graduated measures to deal with non-compliance. Among other activities to promote compliance are: tripartite consultation on regulations; safety audits; inspections; development of internal safety and health programmes by industry; the right to refuse work; and hazardous-occurrence investigations. The compliance policy is based on the assumption that the majority of regulatees will comply voluntarily with safety regulations. Non-compliance is dealt with through directions and prosecutions. A convicted offender faces fines, imprisonment or a combination of the two.

161. Harmonization of federal, provincial and territorial occupational safety and health regulations is presently being promoted by the Labour Component of the Department of Human Resources Development. If regulatory harmonization can be achieved, then administrative harmonization can also be pursued. The Department is a member of the Canadian Association of Administrators of Labour Legislation (CAALL). This group works with the provinces and territories to promote harmonization of labour legislation. The Workplace Hazardous Materials Information System (WHMIS), enacted in 1988 and described in paragraphs 153-154 of Canada's second report on articles 10 to 15 of the Covenant, a CAALL initiative, is one example of successful harmonization within Canada.

162. Harmonization is also being sought on an international scale. For example, legislation similar to WHMIS exists in other countries, such as the United States and countries that are members of the European Union. Canada hopes to achieve harmonization on hazardous materials information legislation with these trading partners.

163. In 1993, Canada ratified International Labour Organization Convention No. 147 on Minimum Standards in Merchant Ships. As a result, Canadian authorities can now inspect living and working conditions for seafarers aboard foreign ships in Canadian ports. They can take action where they find evidence of sub-standard, unsafe and unhealthy working situations on these ships. In the first year since the Convention came into force for Canada (on 25 May 1994), Canadian authorities have detained many ships until suitable corrections were made.

164. Ratification of the Convention was made possible after extensive consultations with all the stakeholders, including labour and industry, as well as the provinces and territories. Crews aboard Canadian ships already enjoy standards that are in line with and usually exceed the provisions of Convention No. 147. (For details on the application of this Convention, please refer to Canada's report to the International Labour Organization for the period 1 July 1994 to 30 June 1995.)

165. The Canada Occupational Safety and Health Regulations under the Canada Labour Code require all employers to investigate, record and report annually on all occupational injuries in their workplaces. The Occupational Safety and Health Directorate of the Department of Human Resources Development compiles these data and publishes them periodically. Additional data are supplied by public service and Crown corporation employers.

166. During the period from 1990 to 1994, on average, 1 federal jurisdiction private and Crown corporation sector worker in 12 had an occupational injury every year; 1 in 28 was injured severely enough to lose at least 1 day of work; and 1 out of 19,955 workers died as a result of an occupational injury. In the public service, from 1990 to 1994, on average, 1 out of 20 employees had an injury, 1 out of 49 had a disabling injury, and 1 out of 48,775 died from an injury.

Equal opportunity for promotion

167. In 1993, the Department of Human Resources Development hosted a workshop on "Women in non-traditional occupations". Representatives from labour and business provided direction as to initiatives needed to address the retention of women in non-traditional occupations.

168. This was followed up with a round table in 1994 with women's groups in the trade, operational, science and engineering sectors, unions, employers and government representatives to discuss strategies for the recruitment and retention of women in these occupational categories. The round table raised many issues that impact on women's advancement opportunities, including isolation due to high male representation in occupational categories, harassment based on gender, and differential treatment with regard to training that is essential for entry-level positions and for promotions. Marginalization, social exclusion and stereotyping were also identified as were ergonomic problems with such basic things as size of equipment in general, and adequacy or fit of protection or safety equipment. When all these barriers are taken into account, not only is recruitment and retention a problem, but promotional opportunities can also be threatened.

Rest, leisure, limitation of working hours, holidays with pay

169. The Canada Labour Code establishes a weekly day of rest, a minimum vacation of two weeks and nine general holidays. Hours of work are regulated by the requirement to pay an overtime rate after 8 hours in a day and 40 hours in a week. Maximum weekly hours are set at 48.

170. To accommodate the demands of specific industries such as road and rail transportation, special regulations permit longer standard and maximum hours,

and for industries with seasonal variations in hours of work, averaging of hours is permitted. Also, to accommodate the wishes of employers and employees, modified work schedules have been permitted.

171. In 1993, the Code was amended to eliminate the need for several types of government permits: modifications to the hours of work, vacation and general holidays can now be made by agreement between employer and employees, as long as the basic standard is preserved. For example, an employer, with the agreement of a trade union representing affected employees, may now establish a four-day work schedule where the daily hours exceed 8 but weekly hours do not exceed 40. Similarly, the employer, with the agreement of 70 per cent of affected employees, may now substitute one holiday for another without having to apply for government authorization.

Article 8. Trade union rights

172. Collective bargaining for enterprises that come under federal jurisdiction in Canada is governed by Part I (formerly Part V) of the Canada Labour Code, which provides that "every employee is free to join the trade union of his/her choice and to participate in its lawful activities". In this context, "employees" is defined to include "any person employed by an employer and includes a dependent contractor", but excludes persons who perform management functions or who are employed in a confidential capacity in matters relating to industrial relations. Further information on the Code, as well as on the right to form and join trade unions and the right of trade unions to federate, to function freely and to strike, has been given in the 1980 report, and in several reports on ratified ILO Convention No. 87, in 1992, 1993, 1994 and 1996, as well as unratified ILO Convention No. 98 in 1992. Some nominative changes have been made to the Code, in particular: Part V is now Part I; sections 180-183 are now sections 89-93; and sections 184-189 are now sections 94-99.

173. During the period of concern, there were three legislative initiatives that further collective bargaining. These are described in the following paragraphs.

Adoption in December 1991 of an Act to Amend the Canada Labour Code (geographic certification)

174. This Act modified section 34 of the Canada Labour Code to clarify those provisions that permit the Canada Labour Relations Board to grant geographical certification to a trade union representing employees of two or more employers in a given geographical area in the longshoring industry, provided that the employers draw their employees from a common labour pool. When the Board grants a geographic certification, the employers of the employees in the bargaining unit are required to appoint an agent to act on their behalf, and to authorize the agent to discharge the duties and responsibilities of an employer under Part I of the Code.

Adoption in June 1992 of the Status of the Artist Act

175. This Act establishes the framework for a collective bargaining regime for professional artists, working as independent contractors in the federal

jurisdiction. The new framework does not apply to persons holding employee status under Part I of the Canada Labour Code or under the Public Service Staff Relations Act.

Adoption in June 1993 of an Act to Amend the Public Service Staff Relations Act (directed vote) and the Canada Labour Code

176. This Act amends Part I of the Canada Labour Code to provide an additional mechanism which could assist in the settlement of collective-bargaining disputes. It allows the Minister of Labour to direct the Canada Labour Relations Board, or another person or body, to conduct a vote among employees in a bargaining unit as to their acceptance or rejection of the employer's last offer made to the trade union in settlement of all outstanding issues. These provisions would be invoked when the action is likely to result in the resolution of a collective-bargaining dispute where the public interest is affected.

177. Also, Part I of the Parliamentary Employment and Staff Relations Act, mentioned in paragraph 55 of Canada's second report on articles 6-9, was proclaimed in force on 24 December 1986. It confers collective-bargaining rights on employees of the Senate, the House of Commons and the Library of Parliament, subject to exclusions such as staffs of ministers and members of Parliament.

178. In the context of article 8.2 of the Covenant (imposition of lawful restrictions ...) and in a very limited number of cases, emergency legislation to ensure resumption of services has been enacted in the federal private sector during the period of the report. Such cases involved maintenance of ports, railways and postal services, as well as grain-handling operations. It has been the policy of the Government of Canada to invoke such emergency labour legislation as a last resort, only in those rare instances where a work stoppage poses serious economic repercussions for the country, or endangers the health and security of the citizens of Canada. In each case, free collective bargaining, including the legal right to strike, was fully restored and the legislation provided for the binding settlement of the issues in a dispute by a neutral third party. Further information on emergency legislation is available in Canada's reports on ILO Convention No. 87.

179. The Public Service Commission has been fostering new relationships with national labour unions and pursuing new approaches to labour relations. The Commission ensures consultation with unions through the Joint Consultative Committee and the National Joint Committee on matters affecting employees such as priority placements, workforce adjustment initiatives and the alternate exchange programme.

Article 9. Right to social security

180. All the branches of social security listed in the guidelines exist in Canada, as explained in Canada's previous reports under the Covenant, particularly in Canada's first report on articles 6-9. The basic structure of the system remains the same as described in that report, although major

changes have been made to some components. Some of these have already been explained. The changes which occurred during the period under review will be explained below.

181. For 1994/95, federal social security expenditures, which included transfers to provincial-territorial governments for health care and welfare, transfers to persons in the form of old age benefits, employment insurance benefits (including family-related benefits), child tax benefits, Canada Pension Plan benefits (including retirement benefits, invalidity and survivors' benefits), benefits to veterans, benefits to Registered Indians, benefits under federal employment programmes and benefits to the disabled under the Vocational Rehabilitation of Disabled Persons Act, amounted to $85.6 billion, that is 11.3 per cent of the gross domestic product. For 1984/85, these expenditures amounted to $47.3 billion, 10.4 per cent of GDP.

182. When the expenditures of all levels of government, i.e. federal, provincial, territorial and municipal, are taken into account, total social security expenditures for 1994/95 amounted to $147.8 billion, that is 19.4 per cent of GDP. For 1984/85, those expenditures amounted to $76.3 billion or 16.8 per cent of GDP.

Social assistance

183. The Canada Assistance Plan (CAP), 31 March 1966 to 1 April 1996, allowed the federal Government to cost-share (50/50) on a wide range of approved social assistance and service costs incurred by the provinces and territories. Examples of beneficiaries of these programmes included: lone-parent families; persons with disabilities; elderly persons; unemployed persons and low-income workers and their families; children in need of protection; families or individuals in crisis; women in situations of violence and their children.

184. The majority of social assistance expenditures were for the following basic requirements: food; shelter; clothing; fuel; utilities; household supplies; personal needs. Assistance could also be provided for travel costs, funerals/burials, items incidental to carrying on a trade or other employment, and special needs (e.g. repairs or alterations to property, civil legal aid, items required by persons with disabilities, etc.). Recipients of social assistance could also receive other benefits, including the payment of health insurance premiums (where applicable) and ancillary health-related benefits such as drugs, dental care and vision care. The level of financial assistance and health-related coverage available varied considerably between provinces and territories.

185. As of the end of March 1995, 3.1 million people, about 10.4 per cent of the population, were receiving provincial and territorial social assistance benefits, which were cost-shared under the Canada Assistance Plan. Because of the slow economic growth in the early 1990s, this figure is considerably higher than in March 1985, when 1.9 million people, or 7.4 per cent of the population, received social assistance benefits.

186. In 1990, the federal Government imposed a restriction on CAP, limiting growth in federal funding contributions for the three provinces that do not

receive equalization payments - Ontario, Alberta and British Columbia - to 5 per cent per year. The Government of Canada acknowledged in its 1994 budget that this restriction on CAP funding was unfair. The 1995 budget introduced the Canada Health and Social Transfer (CHST), which consolidated federal funding for health, post-secondary education, social assistance and social services. The 1995 budget also announced funding reductions for the programmes included within the CHST - $2.5 billion in 1996/97 and $4.5 billion in 1997/98. The 1996 budget established a new five-year funding arrangement in which transfers are maintained at $25.1 billion for the years 1997/98 to 2000/01; funding will then grow at an increasing pace, linked to the economy, for the following three years. The budget also confirms that the CHST includes a legislated cash floor of $11 billion to guarantee continuing federal cash support. By 2002/03, the new funding arrangement will reduce by half the current disparities in per capita entitlements among provinces. A five-year phase-in period for the funding formula will allow provinces time to adjust to the new allocation. Details on the CHST are provided earlier in this report.

Family benefits

187. The child tax benefit was introduced in January 1993 to consolidate family allowances, the refundable child tax credit and the dependent child credit. It was designed to supplement the income of Canadian families by providing income-tested, non-taxable monthly benefits for children under the age of 18. Currently, the Government of Canada is working together with the provinces and territories to restructure the child tax benefit and develop a national programme that will reduce current benefit disparities by increasing assistance to low-income working families while ensuring that total support for families on social assistance is not reduced. The 1997 federal budget allocated $850 million, including $600 million in new funds, to create the new programme (see paragraph 98).

188. Separate legislation provides equivalent children's special allowances, which are paid on behalf of children under the age of 18 who are in the care of a child welfare agency, a government department or institution.

189. The current child tax benefit provides monthly tax-free payments to 85 per cent of all Canadian families with children, totally over $5.1 billion annually. Approximately 3.1 million families receive the benefit on behalf of 5.6 million children. Under the current system, families with a net income up to $25,921 receive a basic benefit of $1,021 per child per year, an additional $75 for the third and subsequent children in the family, and a further supplement of $213 for each child under age seven when no child-care expenses are claimed. The benefit begins to be reduced once net family income exceeds $25,921 and reaches zero at an annual net income of about $66,700 for one and two child families. The child tax benefit also includes a working income supplement (WIS) that is available to families with earnings of at least $3,750 and net incomes below $25,921. The WIS currently provides up to $500 a year per family. It was designed to help offset some of the additional costs that lower-income families with children experience when joining the workforce. As part of the child support package announced in the 1996 federal budget, the Government of Canada announced an increase of $250 million to the WIS to be in place by July 1998.

190. Under the proposed plan to develop a national child benefit (see paragraph 98), the existing child tax benefit and the working income supplement (WIS) will be replaced by an enriched Canada child tax benefit with a maximum of $1,625 for the first child and $1,425 for each additional child, with these maximums applying to all families with a family net income up to $20,291. The supplement of $213 per child for children under age seven not claiming child-care expenses would be retained. The first step to the creation of a national child benefit system will be to restructure the WIS by moving it from a family basis to a per-child basis, and to further increase the support it provides. Legislation will be introduced to implement the modified WIS, with a proposed effective date of July 1997. The change will enrich the WIS by $195 million, $70 million more than the $125 million increase proposed for July 1997 in the 1996 federal budget. For July 1997 to June 1998, the federal Government will increase the WIS of $500 per family to $605 for the first child, $405 for the second child and $330 for each additional child. It is estimated that 720,000 Canadian families with 1.3 million children will be better off as a result of the enrichment. The second step, set for July 1998, will see the WIS combined with the enriched child tax benefit to create a new $6 billion Canada child tax benefit that includes $600 million in new federal funding announced in the 1997 federal budget. Overall, more than 1.4 million Canadian families with 2.5 million children will see an increase in federal child benefit payments by July 1998.

191. Under the new system, the enriched federal benefits will enable provinces and territories to redirect some of their social assistance resources towards improving children's services and income support for low-income families. Additional federal resources will be complemented by supplementary provincial benefits as well. As a result of these changes to federal-provincial child benefits, assistance to low-income working families will increase while families on social assistance would receive no less overall, and would retain more services and income support when entering the workforce.

Old age security

192. The old age security system remains basically the same as described in Canada's first report on articles 6-9 of the Covenant (pages 53-54). As described in that report, the system comprises three elements: an old age security pension, to which all persons in Canada aged 65 or over who meet residency requirements are entitled irrespective of income; a guaranteed income supplement, which is provided to pensioners with little or no income other than the old age benefits; and a spouse's allowance provided to the spouses, aged 60 to 64, of the old age security/guaranteed income supplement pensioners as well as to low-income widow(er)s who are 60-64 years of age (this allowance ensures a minimum income to these people, until they become eligible for the old age security benefit). All benefits are increased every three months based on increases in the cost of living as measured by the consumer price index.

193. Since 1989, higher-income recipients of the old age security benefit are required to reimburse the benefits received in part or in total, depending on their total income. The percentage of reimbursement increases with the income. Thus, for the year 1995, pensioners started to reimburse the benefits

when their net income during the year reached $53,215. At $60,000 annual net income, the percentage of reimbursement was approximately 22 per cent; at $70,000, it was approximately 54 per cent; and at $80,000 it was up to about 86.4 per cent; pensioners who had a net income of approximately $84,215 in 1995 had to reimburse the totality of benefits received.

194. The part of the old age security pension that is not reimbursed is taxable. The guaranteed income supplements and the spouse's allowances are not taxable; but they would have to be reimbursed, in part or in total, in the event that during the year they were received, the recipient's net income had been higher than $53,215.

195. As of March 1995, the maximum monthly old age security benefit was $387.74. The maximum guaranteed income supplement payment for a single recipient was $460.79 per month. These benefits were virtually identical in purchasing power to the rates in effect for 1985. As of March 1995, the maximum spouse's allowance was $687.88 per month. Total benefits paid under these programmes for 1994/95 came to $20.5 billion, an increase of 25 per cent over 1984/85 (in constant 1995 dollars) resulting in parity from demographic growth.

196. In March 1995, over 3.4 million people, virtually everyone aged 65 and over, received old age security benefits. Of these people, 38 per cent received guaranteed income supplement (GIS) payments. The proportion of the senior population receiving GIS, however, has declined over the last decade. In 1984, 50 per cent of pensioners had been recipients of the supplement. The main reasons for the decline were the increased incidence of full Canada Pension Plan benefits and higher personal income from other sources among newer cohorts of seniors.

197. In 1996, the Government announced the intention to introduce a new programme known as the seniors benefit, commencing in 2001. The programme would replace the existing old age security/GIS programme and tax credit for seniors with a single tax-free, income-tested benefit based on family income. Guarantees for low-income seniors would be increased by $120 per household annually. Net benefits after taxes would be increased up to $40,000 of family income. By reducing benefits to higher-income families, the introduction of the new benefits will result in cost savings that will gradually increase over time and contribute to the sustainability of the public pension as the population ages.

Canada Pension Plan

198. The Canada Pension Plan is a contributory, earnings-related social insurance programme which ensures a measure of protection to Canadian workers and their families against the loss of income due to retirement, disability or death. It operates throughout Canada except in Quebec which has its own, similar programme, the Quebec Pension Plan. The Plan is financed by contributions from employees, employers and the self-employed, as well as interest on investment of surplus funds. Benefits are subject to income tax and are adjusted annually based on increases in the consumer price index.

199. The Canada Pension Plan provides for retirement pensions as early as age 60, although those who choose to receive the pension before age 65 receive lower benefits. It also pays benefits to disabled contributors and their children, and provides survivor benefits and death benefits to spouses and children.

200. In 1994/95, 3.4 million Canadians were receiving benefits from the Canada Pension Plan in the total amount of approximately $15.3 billion, compared with $4.2 billion in 1984/85.

201. The Government of Canada has been working with the provinces and territories over the past year to find ways of ensuring that the Canadian Pension Plan is sustainable for future generations. Both levels of government have agreed on a strong and balanced package of reform, and legislation on the proposed changes will be introduced. The proposed changes are the result of the statutory review of the Canadian Pension Plan by federal and provincial governments. The province of Quebec is also conducting its own review.

Employment Insurance Program

202. On 1 July 1996, the new Employment Insurance Program came into place to address changes in the Canadian labour market such as increasing part-time work and multiple job holders. The reforms also meet the 1995 budget's target of a 10 per cent reduction in employment insurance programme costs - reducing costs by an estimated $2 billion by the year 2001/02. Eight hundred million dollars of the reform savings will be reinvested in active employment measures.

203. As of 1 January 1997, eligibility for employment insurance is based on hours of work rather than weeks. The minimum number of hours of work required will vary between 420 and 700 (12-20 weeks of 35 hours) depending on the unemployment rate in the region where a claimant lives. The hours counted will have been worked over the 52-week period preceding the employment insurance claim. To qualify for employment insurance in 1997, new entrants or re-entrants to the workforce have to have worked a minimum of 910 hours (26 weeks of 35 hours); that is, six weeks more than under the current system. Insured earnings are calculated on the basis of income earned during a period of no more than 26 weeks preceding the employment insurance claim. The amount of benefits are calculated by dividing the client's total earnings during the preceding 26-week period by the higher of the following figures: the number of weeks the client worked or the minimum divisor (former eligibility requirement + 2). The maximum benefit period has been reduced from 50 to 45 weeks. The benefit rate will be reduced by one percentage point for each 20 weeks of benefits (from 21 weeks) received in the previous five years to a maximum penalty of five percentage points (minimum rate of 50 per cent). The weeks of benefits received before the reform will not be taken into consideration. People who work while they are receiving benefits and whose benefit level is reduced as a result will be able to obtain "employment credits" for benefit rate purposes.

204. Benefits for low-income families (annual income less than $26,000) with children will be increased by a family supplement (equal to their weekly child tax benefit). The amount of their benefits plus the family supplement cannot,

however, amount to more than 80 per cent of their insured earnings. These people will also be exempt from the benefit rate reduction.

205. On the basis of the number of weeks of benefits received over the past five years (weeks received before June 1996 will not be counted), people with 20 weeks or less and whose net income was more than $48,750 will have to pay back up to 30 per cent of their benefits. For individuals with more than 20 weeks and a net income of more than $39,000, the repayment could amount to between 50 per cent and 100 per cent. For each income dollar over $48,750 or $39,000, 30 cents will have to be paid back, up to the set maximum.

206. Claimants will be able to earn $50 a week without losing any benefits (or 25 per cent of their benefits as before).

207. A portion of the savings resulting from the reform will be reinvested in a smaller number of employment assistance programmes. Anyone who is presently receiving benefits or has received benefits in the past three years (five years for maternity benefit recipients) will be eligible for employment benefits. The planned measures include: targeted wage subsidies; targeted earnings supplements; self-employment assistance; job-creation partnerships; skills loans and grants.

208. The premium rate for the Employment Insurance Program was reduced on 1 January 1997 to $2.90 from $2.95 for the employee and to $4.06 from $4.13 for the employer (1.4 times the employee rate) per $100 of insurable earnings. (In 1995, the rate was $4.20 for the employer and $3.00 for the employee.) For 1998, the EI premium rate is forecast to decline to $2.80 for the employee and to $3.92 for the employer. The maximum weekly insurable earnings of $750 has been eliminated. Premiums are paid on all weekly earnings up to the yearly maximum of $39,000. Premiums are not paid after the yearly maximum has been reached. The maximum insurable earnings will be frozen at $39,000 per year until the year 2000.

209. All earnings will be insurable (from the first dollar earned) up to the annual maximum insurable earnings. Individuals who earn $2,000 or less during a year will have any premiums that they paid refunded through the income tax system. Small businesses affected by the new premium structure are eligible for temporary relief for the first two years beginning 1 January 1997. (Premium relief will be available to employers who had a 1996 premium bill of less than $30,000 and whose premiums increase by more than $500 over the previous year. The maximum refund will be $5,000.)

210. Sickness benefits are still paid for a maximum of 15 weeks to claimants who have 20 weeks of insured employment. However, since November 1990, claimants with less than 20 weeks of insured employment can receive sickness benefits if they get sick after their employment was interrupted for another reason or if they are already claiming employment insurance.

211. Maternity benefits remain substantially the same as explained in previous reports. They are available to pregnant claimants with 20 weeks of insured employment, and they are paid for a maximum of 15 weeks. In addition, since November 1990, parental benefits can be collected for up to 10 weeks to

care for a newly born or adopted child; this time allotment may be extended to 15 weeks if the child is six months or older at the time of arrival in the parents' home and suffers from a condition that requires extended care. Parental benefits can be claimed by either parent or can be split between the two. The parental benefits replaced the paternity benefits, which had been introduced in 1988, and the adoptive parent benefits, which had been established in 1984. Recipients of maternity or parental benefits can also receive sickness benefits for a period which, added to the other benefits, does not exceed 30 weeks. The employment insurance reform maintains the status quo with respect to these special benefits (i.e. sickness, maternity and parental benefits).

Labour Adjustment Benefits Program

212. The Labour Adjustment Benefits Program (LAB), mentioned in paragraph 63 of Canada's second report on articles 6-9 of the Covenant, was discontinued in 1987 and replaced in 1989 by the Program for Older Worker Adjustment (POWA). Beneficiaries of the earlier programme continue to receive benefits under the Labour Adjustment Benefits Program.

213. POWA is designed to help long-service older workers who have no prospect for re-employment following a major permanent lay-off. The Program provides financial assistance to eligible older workers who are between the ages of 55 and 64 at the time of lay-off, and who have exhausted their employment insurance entitlement. The major difference in POWA from the previous programme is that POWA is financed and administered jointly by the federal and provincial-territorial governments. At the present time, Nova Scotia, Newfoundland, Quebec, Ontario and British Columbia participate in the Program. The federal and provincial-territorial governments share the cost of purchasing annuities for eligible older workers on a 70/30 cost-share basis.

214. Lay-offs from all private-sector industries and commercial Crown corporations are eligible for consideration. Decisions as to which situations of lay-off to designate for benefits are made jointly by the federal and provincial-territorial governments taking into account a number of factors. The Program selectively focuses assistance on those major permanent lay-offs which would lead to real hardship for substantial numbers of older workers.

215. Between September 1989 and March 1996, a total of 1,052 lay-offs were designated in Nova Scotia, Newfoundland, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan and British Columbia. Annuities totalling $481 million have been purchased for approximately 13,000 eligible workers. The basic benefit equals 70 per cent of the employment insurance benefit that the worker received after the lay-off, subject to a minimum of $760 and a maximum of $1,000 per month. Benefits are paid until age 65 or until death, if earlier, and are indexed annually, according to the consumer price index, to a maximum annual increase of 2 per cent.

216. Human Resources Development Canada administered the former Plant Worker Adjustment Program on behalf of Fisheries and Oceans Canada, which was in operation from 1991/92 to 1994/95. During the course of this Program,

annuities were purchased for 971 older fish-plant and trawler workers in Atlantic Canada. The cost was $42.6 million to the federal Government and $18.3 million to provincial governments.

217. Cabinet approved the Atlantic Groundfish Strategy (TAGS), the $1.9 billion federal programme launched in April 1994, to assist workers in the fishing and fish-processing industries affected by the closure of the northern cod fishery and by subsequent groundfish declines in other regions. Human Resources Development Canada is responsible for the Fishplant Older Worker Adjustment Programme (FOWAP), while Fisheries and Oceans is responsible for the Atlantic Fishers Early Retirement Programme (AFERP). In addition, Human Resources Development administers the income-support component of TAGS, and Fisheries and Oceans has responsibility for the Groundfish Licence Retirement Programme (GLRP).

218. FOWAP and AFERP are cost-shared on a 70/30 basis with the provinces of Newfoundland, Nova Scotia, Prince Edward Island and Quebec. It was originally anticipated that 1,800 older workers would benefit from these programmes, but take-up has been lower than expected. It is now estimated that approximately 1,100 older workers will be adjusted out of the fishery under the two programmes. Older workers qualify, if they were between the ages of 55 and 64 on 15 May 1995, are eligible to receive benefits under TAGS, have already been adversely affected by the major decline in groundfish resources, and are able to show a long-term attachment to the groundfish fishery.

Assistance to refugees

219. The Government of Canada provides transitional assistance to indigent Government-assisted refugees to up to one year after their arrival in Canada or until the newcomer is self-sufficient, whichever comes first. Assistance is provided for the basic needs of life, including clothing, shelter and basic household needs such as essential furnishing and household articles. Income support provided is consistent with prevailing social assistance rates.

Medical care

220. For information on medical care, please see article 12.

International cooperation

221. Canada has continued to enter into social security agreements with many countries. These agreements protect the pension rights of persons who move between Canada and other countries to work and live. They ensure that immigrants will be able to receive pensions from each of the countries to whose social security programmes they have contributed. They also ensure that persons who are sent from one country to another, in the course of their employment, will not have a break in social security protection under the programme of the country in which they usually live.

222. The Canadian programmes covered in these agreements are Old Age Security and the Canada Pension Plan. Since 1 January 1986, Canada has concluded social security agreements with Antigua and Barbuda, Australia, Austria, Cyprus, Dominica, Finland, Guernsey, Iceland, Ireland, Jersey, Luxembourg,

Malta, Mexico, the Netherlands, the Philippines, Saint Kitts and Nevis, Saint Lucia, Spain and Switzerland. These join the social security agreements that Canada had previously concluded with Barbados, Belgium, Denmark, France, Germany, Greece, Italy, Jamaica, Norway, Portugal, Sweden and the United States.

Article 10: Protection of the family, mothers and children

223. The information requested in the guidelines has been provided, for the most part, in Canada's previous reports under the Covenant. Information can also be found in reports submitted under the treaties listed above, which Canada has ratified. In particular for information on child care, maternity and parental protection, please refer to the following reports:

> Initial report under the Convention on the Rights of the Child for the period before December 1992 (pages 7-10, 20-28, 30-32, 39-43, 44-45, 56)
>
> Report under the Convention on the Elimination of All Forms of Discrimination against Women from 1 January 1991 to 31 March 1994 (pages 2-3, 5, 10, 27-28, 30-31, 36-37)

Protection of the family

224. The 1986 census showed that, among Canada's 3.5 million families with children under 18 years of age, almost 80 per cent of partners were married couples; this included first marriages and blended families, and families with one or both partners working outside the home. About 15 per cent were lone-parent families, and of this figure 13 per cent were mothers and 2 per cent were fathers. About 5 per cent of parents were common-law couples.

225. A report of the Federal-Provincial-Territorial Working Group on the Mental Health of Children and Youth entitled Building the Future: A Framework for Mental Health Services for Children and Youth in Canada recognizes that the family is central to the provision of care, nurturance and support for children and youth, and that it is a priority of the community to strengthen the capacity of families to provide for their children.

Child care

226. From April 1988 to March 1995, the Child Care Initiative Fund (CCIF) has enabled the federal Government to support initiatives that enhanced child-care services and programming at the national and community levels, and in the Aboriginal sector. Over the seven years of its mandate, CCIF funded 515 projects for a total amount of $77 million which resulted in the production of approximately 600 reports, videos, manuals and guides.

227. In May 1992, Canada published its Action Plan for Children. This is a long-term plan to guide the federal Government's actions on behalf of children and families in Canada, and around the world.

Preventive actions for children at risk

228. The Child Development Initiative, announced in May 1992, is a five-year, $500 million series of programmes which addresses conditions of risk that threaten the health and well-being of children, especially children from 0-6 years of age. It included funding for community projects (The Community Action Programme for Children) and First Nation projects in addition to an interdepartmental initiative consisting of 33 programmes, which target children of risk of poverty, poor health and nutrition, mental health problems, developmental problems, disability or injury, or abuse and neglect. Guided by a philosophy of early intervention, the Child Development Initiative implements a variety of strategies to address these conditions or risk, and thereby contribute to the health and well-being of children. An evaluation of this initiative addressed the relevance, success and cost-effectiveness of programmes, and was based on multiple lines of evidence: it showed that the initiative was working well and had achieved initial programme goals in terms of implementation and delivery.

229. The 1997 federal budget announced $100 million in additional funding over the next three years to the Community Action Programme for Children and the Canada Prenatal Nutrition Programme (see paragraph 254).

230. Effective 1 April 1995, the Government introduced a research and development programme, Child Care Visions, to promote research and evaluation of best practices and models of service in the area of child care. This is an ongoing programme with an annual allocation of $6 million and replaces the Child Care Initiatives Fund, which was established in 1988.

231. Because child care is central to women's efforts to achieve economic equality, over $500,000 in funding have been directed to public education, research and networking activities to improve access to quality child care services.

232. In January 1995, the federal Government announced the First Nations-Inuit Child Care Initiative, to create up to 6,000 regulated child care spaces in reserves and northern communities at a cost of $72 million over three years. An ongoing commitment of $36 million annually was also announced to maintain the services created during the three-year developmental period. This programme is now operational.

Child support

233. A number of social security programmes exist and have been reported on under article 9. As explained above, the child tax benefit programme, which provides income support to families with children, replaced the former family allowance programme in 1993. Improvements were made to the Canada Pension Plan in 1992 with respect to the payment of benefits to children.

234. The Minister of Justice announced in March 1996 a new child support package to ensure that parents live up to their responsibilities for child support payments in a manner that is fair and consistent. There are four key areas outlined in the Government's child support strategy: first, child support paid under orders or agreements that are made or varied after

30 April 1997 will no longer be taxed as income to the recipient or deducted from income by the paying parent; second, federal child support guidelines will be introduced to establish fair and consistent child support awards in divorce cases; third, a wide range of measures will be introduced to help enforcement agencies combat the chronic problem of default on support payments; fourth, there will be an enrichment of benefits paid to lower-income families under the federal child tax benefit. The fundamental objective of these measures is to protect the rights of children to fair and adequate support from parents - paid in full and on time.

Violence against women and children

235. Women continue to be primarily responsible for the care of children and elderly family members; however, their safety within the family unit is not assured. As a partner in the federal strategy on family violence, the Women's Programme has funded more than $2 million in activities since 1993 to address family violence problems. The Programme is the responsibility of Status of Women Canada since 1995. The Programme continues its support for activities that address other types of violence against women beyond the scope of the family violence initiative (FVI). The FVI is a federal initiative, which addresses violence in family and other relationships of intimacy, dependency and trust. Women and children are the primary victims of such violence.

236. Health Canada maintains the National Clearinghouse on Family Violence, a national resource centre for all Canadians seeking information about, and solutions to violence within the family. The Clearinghouse gathers, assesses and organizes existing information and develops new information material. By sharing the latest research on all aspects of prevention, protection and treatment, the Clearinghouse is helping to reduce violence in society. During the 1995/96 fiscal year, 87,789 requests for information and audio-visual resources were received by the Clearinghouse.

237. A number of the projects sponsored under the FVI addressed the particular needs of vulnerable groups, including women from rural and remote communities. For example, through the Initiative, the Women's Community Action Team, working cooperatively with the Status of Women Council of the Northwest Territories (NET), developed a training handbook and facilitator's guide to help women organize workshops on violence in communities in the NET. The content is culturally appropriate for the Inuit and Dene people and could be useful to other Aboriginal communities such as those located in the Yukon, as well as other northern communities in Canada.

238. FVI is also linked to other federal strategies that address violence in society, e.g. crime prevention (the National Crime Prevention Council announced early after its establishment that children and youth would be its priority), media violence and the federal violence against women activities/strategy. All of these strategies have recognized the essential link between the social service, health and justice systems, which must be made to safeguard/promote the well-being of children and women.

Work and family

239. Between 1991 and 1993, the Women's Bureau of Human Resources Development Canada organized a successful series of seminars on the issue of balancing work and family responsibilities. In 1993, with Statistics Canada, it sponsored a symposium on the family and work arrangements, which looked at survey data and studies of employer policies and programmes related to this issue.

240. The Women's Bureau participates in the Women in Employment Committee of the Canadian Association of Administrators of Labour Legislation, which prepared a compendium of current Canadian practices aimed at reconciling work and family responsibilities. It also contributed to the federal Women's Film Programme (National Film Board), which produced a number of videos on women and work, including A Balancing Act, a video on issues and solutions involved in the reconciliation of work and family responsibilities. The Bureau also released some publications dealing with these issues, including Adapting to a Changing Work Force: The Relocation Policies and Practices of Canada's Top Companies in 1992, and Changing Families, Changing Workplaces released in 1996, which is a series on Canadian employer work/family practices.

Maternity and parental protection

241. The Canada Labour Code provides for 17 weeks of unpaid maternity leave and 24 weeks of unpaid parental leave. The Codes provisions were strengthened with the addition of maternity-related reassignment and leave in 1993. In cases where a pregnant or nursing employee presents a medical certificate stating that there is a hazard to her health, the health of her foetus or her nursing child, she must be reassigned to a new position with no loss of salary or benefits, or, where this is not reasonably practicable, she must be given an unpaid leave of absence. Such leave is usually funded from the employment insurance funds, but no more than 25 weeks' payment, including payment for maternity and parental leave, is available.

242. The Unemployment Insurance Act, as amended on 18 November 1990, complements these provisions. Maternity benefits have been maintained as previously to ensure that a pregnant woman is protected when unemployment is caused by incapacity due to childbearing, regardless of whether the child survives to require care or is immediately given up for adoption. In addition, in 1988, a provision was introduced that augmented the window of entitlement for maternity benefits, previously limited to the period of from 8 weeks before the expected birth to 17 weeks after birth; this period has been extended by a week for each week that the child remains hospitalized after birth. This measure assured that women who were forced for economic reasons to return to work after the birth of a premature or ill child could still retain their entitlement to maternity benefits, if they had to stay home when the child was finally released from the hospital.

243. Parental benefits were introduced in 1990 under the Unemployment Insurance Programme to ensure that adoptive and natural parents had equity and parity in child-care benefits. It provided for the benefits to be split

between both father and mother and to be collected simultaneously, thereby recognizing the increased participation of men in childbearing and the sharing of this function between spouses.

244. The dependency benefit rate of 60 per cent which was introduced on 3 July 1994, also increases family protection measures in the employment insurance programme. It recognizes the burden placed upon claimants who support a dependant and that the burden increases in times of unemployment. By acknowledging and taking into account for eligibility the fact that either spouse may be the supporter, it recognizes the rapidly changing nature of family units or domestic partnerships that may lie well outside the bounds of the traditional nuclear family unit. The dependency rate recognizes that single mothers are often the persons who carry the burden of children and also that they are often disadvantaged in the labour market by that very commitment.

Other family-related protection

245. In addition, in 1990, the Unemployment Insurance Act officially recognized that persons who leave work for reasons of sexual harassment, those obliged to follow a spouse who is relocating for employment and those who leave to care for sick relatives should not be disqualified for voluntarily leaving employment.

Measures governing work by children

246. Section 179 of the Canada Labour Code in conjunction with the regulations enacted pursuant to it, permits the employment at the federal level of persons under 17 years of age if the following conditions are met: the child is not required under the law of the province or territory where he or she resides to be in attendance at school; the work is not underground in a mine nor that of an atomic energy worker; it is not work prohibited for young workers under the Explosives Regulation or the Canada Shipping Act; it is not likely to be injurious to the child's health nor to endanger his or her safety; the work is not carried out between 11.00 p.m. and 6.00 a.m. of the next day. Pursuant to section 256 (1) of the Canada Labour Code, any employer who contravenes section 179 of the Code is guilty of a summary conviction offence and liable to a fine not exceeding $5,000. The basic minimum wage for persons under the age of 17 years is the same rate as for other persons. A bill to amend the Canada Labour Code is presently before Parliament. The bill is intended to provide that all workers, regardless of age, will receive at least the minimum wage of their province of employment. The Canada Labour Code also deals with such matters as standard hours of work, vacations and holidays, sick leave, sexual harassment, and safety and health matters. These standards apply to children and to adults.

Article 11: Right to an adequate standard of living

247. In addition to the Canada Health and Social Transfer (which replaces the Canada Assistance Plan and the Established Programmes Financing - Health and Post-secondary Education, discussed in previous reports), already outlined above, numerous programmes aim at improving the standard of living and living

conditions of Canadians. Examples of these, described above in the sections on articles 6-9, are the child tax benefit, employment insurance and old age security.

Programmes for Aboriginal people

248. The Canadian Aboriginal Economic Development Strategy, mentioned in paragraphs 76-78 of Canada's second report on articles 10-15 of the Covenant, continues to provide support for Aboriginal economic development. The Strategy was launched in 1989 with a five-year financing commitment. After the expiration of the Strategy in 1994, the three participating departments, the Department of Indian Affairs and Northern Development (DIAND), Human Resources Development and Industry Canada, continued to fund programmes similar to those funded under the Strategy.

249. The programmes, which are a joint initiative of the three departments, continue to encourage a working partnership among Aboriginal people, the federal, provincial and territorial governments, and the private sector to support Aboriginal economic development. The programmes also continue to support Aboriginal business activity and enhanced community-development capacity to generate employment, wealth, and the capital base required by Aboriginal people to meet economic self-reliance objectives. See also First Nations - Inuit Child Care Initiative (paragraph 232) and Aboriginal Head Start Programme (paragraph 313).

250. During the financial year 1996/97, the three participating departments of the federal Government are expected to spend $308 million on various economic-development programmes.

Right to adequate food

251. Canada produces an abundance of nutritious foods. In addition, it enjoys strong and favourable trading relationships that assure Canadians access to a secure supply of foods not produced domestically. Food prices in Canada are among the lowest in the world, with price increases for food falling below the overall inflation rate. High industry standards, backed by firm regulatory regimes and a rigorous inspection system, help to ensure that foods reaching the Canadian market are safe and of a high quality. However, due to a lack of economic security, there are still a number of Canadians who are limited in their access to adequate, nutritious food.

252. With respect to nutritional surveys, the 1994 Nutrition Activity Survey was conducted between November 1993 and April 1994. The Survey was directed towards federal departments, provincial and territorial governments, nutritional and other health professionals and their respective organizations, the food industry, the food-service industry, non-governmental organizations and the public (through community-based and national advocacy groups). According to the Survey results, the promotion of appropriate diets and healthy lifestyles was cited as the single most important theme, followed by the need for improved household food security.

253. The dissemination of nutrition-related knowledge to the public is done primarily through the messages in Canada's Food Guide to Healthy Eating and through Vitality Initiatives, which promote healthy eating, active living and positive self- and body-image.

254. Many chronic health problems linked to diet are more prevalent among low-income Canadians, who include large numbers of single mothers, pregnant women, older Canadians, Aboriginal people and some new Canadians. Other select indicators include the following:

(a) 1992 data indicate that, for families and individuals with annual incomes in the lowest quintile, 24.8 per cent of total expenditure is on food. For families and individuals with after-tax income in the highest quintile, the food share of consumption expenditures was 12.4 per cent;

(b) Low-income people are: increasing in numbers; more likely to experience diabetes, anaemia, dental problems and cardiovascular diseases; more likely to be overweight; possibly over represented in Aboriginal people on reserves as indicated by 44 per cent of those Aboriginal people receiving social assistance; more likely to have children who experience chronic illness; more likely to report poorer health status; increasingly using food banks;

(c) Pregnant women are also recognized as a group that requires special nutritional needs. Among pregnant women, those with low incomes stand out as being among those at the highest nutritional risk and at risk for having low-birth-weight babies. The Canada Prenatal Nutrition Programme, announced by the Minister of Health in July 1994, is directed towards low-income pregnant women to provide nutrition counselling, interagency referral, food supplements, education, support and counselling on lifestyle issues such as smoking and substance abuse, and other factors including family violence and stress.

255. Nutritional concerns for children focus on a few key nutrients and more recently on the appropriateness of lower fat diets for children. In Canada, from age two until the end of linear growth, it is recommended that children's diets slowly change from the high fat diet of infancy to one that includes no more than 30 per cent of calories from fat.

256. Current policies, programmes and interventions affecting nutritional status are being documented in other ongoing activities such as the National Plan of Action for Nutrition.

257. The federal mandate for food control rests with the Canadian Food Inspection Agency. The agency will be responsible for all food inspection, animal and plant health and related activities, including food recalls, the investigation of food-related illness and the management of food safety emergencies. Health Canada will be responsible for food safety standard-setting and related research.

258. Health Canada develops policies and programmes to support nutritional health and well-being. As a follow-up to the International Conference on

Nutrition, held in Rome in 1992, Health Canada working with a multisectoral steering committee, prepared a national plan of action, titled Nutrition for Health: An Agenda for Action.

259. The mandate of the Action Plan for Fish Habitat (APFH) is based on the Fisheries Act and Canada's Green Plan. This Act and Canada's Green Plan commitment through the Action Plan should help Fisheries and Oceans to develop a nationally consistent approach to the management of fish habitat and to take action to protect and enhance fish habitat. Its objectives are to implement an enhanced fish habitat management programme by providing the national tools (policy, regulations/guidelines, and baseline data and information), and to develop partnerships to protect and enhance fish habitat. Like many other Green Plan initiatives, the Habitat Action Plan is in its last year of implementation and was terminated at the end of fiscal year 1996-97.

260. Canada's Aboriginal peoples have strong historic links with the fisheries for food, social and ceremonial purposes, a reality that has been recognized by Canada's Supreme Court. To ensure that the needs of Aboriginal communities are being met for these purposes, the Government of Canada introduced the Aboriginal Fisheries Strategy (AFS) in 1992. The Strategy involves the negotiation of fixed and fair fisheries' allocations for Aboriginal communities, and integrates the management of these fisheries into Fisheries and Oceans' overall management plan. This allows Fisheries and Oceans to meet its primary obligation to conserve the resource, as well as to provide for the needs of Aboriginal people.

261. Funding is provided for research and training for Aboriginal groups for the collection and dissemination of traditional knowledge of fisheries management, as well as providing them with modern scientific knowledge and experience. Many of the projects funded through the AFS also include the Aboriginal groups in habitat and stock assessment and enhancement, contributing to the overall health and sustainability of the resource.

262. AFS funding also contributes to greater economic self-sufficiency in Aboriginal communities by providing for the purchase of existing commercial effort (fishing licences) for transfer to Aboriginal communities. Through negotiations, a portion of the proceeds from the use of these licences may be utilized for fisheries management purposes. Thus, Aboriginal communities are provided with culturally appropriate economic opportunities which are consistent with the principles of conservation and sustainability.

International cooperation

263. In 1992, the Canada-France fisheries dispute over the maritime boundary was resolved by international arbitration, confirming Canada's jurisdiction over disputed waters south of Newfoundland around St. Pierre and Miquelon.

264. In 1993, the first session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks took place. The Conference was largely the result of Canadian efforts at the 1992 United Nations Earth Summit in Brazil. The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 1982 Relating to the Conservation and Management of Straddling and Highly

Migratory Fish Stocks was adopted by consensus in 1995. The agreement requires, inter alia, that conservation measures outside 200 miles be compatible with those inside. It allows for a State to take control of a fishing vessel flying the flag of another State when the flag State is willing or unable to control it. Work is currently under way to enable Canada to ratify this agreement.

265. In 1994, a plan of action was put in place to develop a Canadian Code of Conduct for Responsible Fishing Operations. This would encompass innovations in fishing gear, selectivity devices, conservation-harvesting technologies and an industrial training programme for fishermen in responsible fishing operations. The Canadian Code supports the Food and Agriculture Organizations's (FAO) work on the development of the Code of Conduct for Responsible Fisheries which was concluded in the fall of 1995.

266. Canada was an active participant in the International Conference on the Sustainable Contribution of Fisheries to Food Security in Kyoto, Japan in December 1995. The purpose of this Conference was to consider how to maintain and enhance the contribution of fisheries to food security in the future. Delegates adopted by consensus the Kyoto Declaration and Plan of Action, which is an integrated list of significant policy directions, as well as a set of immediate actions.

267. At the World Food Summit, held in November 1996 under the auspices of FAO, Canada and other member nations endorsed the Rome Declaration on World Food Security and World Food Summit Plan of Action, in which Heads of State and Government reaffirmed the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.

268. At the Summit, Canada sought the recognition of respect of all human rights and fundamental freedoms and agreement on the principle that democratic and participatory decision-making are essential to achieving world food security. Canada played a leading role in securing appropriate language on the right to adequate food in accordance with international law. Canada also worked closely with other delegations to find consensus language in support of further clarification and implementation of this right.

Right to adequate housing

(i) Framework and basic statistics

269. In Canada, there is an extensive framework of legislation, policy and practice which structures housing-related activities at the national, provincial, territorial and municipal levels. The purpose of the activities of the Government of Canada, as expressed in the National Housing Act (NHA) and administered by Canada Mortgage and Housing Corporation (CMHC), is to "promote the construction of new houses, the repair and modernization of existing houses, and the improvement of housing and living conditions".

270. According to the 1991 census, Canada's total housing stock comprised 10.7 million dwelling units, of which 662,000 were unoccupied. The number of persons per dwelling is low by international standards, having

fallen from 2.9 persons per household in 1961 to 2.7 in 1991. The predominant form of dwelling is the single detached home, accounting for 57 per cent of occupied dwellings.

271. In Canada, most households can afford adequate and suitable housing through the private market. Almost two thirds (63 per cent) of Canadian households own their own homes. The Canadian home-ownership rate is comparable to that of the United States and the United Kingdom, somewhat lower than those of Australia and New Zealand, and higher than most Western European and Scandinavian countries. Canadian social housing, which is geared towards those whose needs are not met by the private market, accounts for nearly 7 per cent of the total occupied stock, or about the same proportion as in Australia and Belgium, and more than double the rate in the United States.

(ii) Market-related housing activities

272. Canada's housing finance system is highly developed and is supported by government policy at the federal, provincial and territorial levels. The Bank of Canada's low inflation policy, for example, has led recently to mortgage rates hovering near their historic lows, and mortgage-financing stability is supported by regulatory policy, which has cultivated one of the most stable financial-sector environments in the world.

273. Within this national environment, CMHC employs various policy tools under the NHA. Mortgage loan insurance, which has supported the financing of one in every three Canadian homes, is an inexpensive vehicle for borrowers to obtain low down-payment financing and for down-payment protection against default. This type of insurance can save borrowers upwards of two percentage points in financing costs. As a result, Canadians generally enjoy levels of access to mortgage financing, pricing and choice that are comparable to those for prime corporate customers. Another tool, mortgage-backed securities, uses risk diversification and investment liquidity to broaden the availability of housing finance and put downward pressure on mortgage interest rates. Other federal Government tools include a rebate of over one third of the federal goods and services tax on eligible newly constructed homes, a home buyers' plan that allows first-time buyers to temporarily withdraw money tax-free from eligible retirement savings plans, and an exemption from personal income taxes of capital gains on a principal residence. In 1996, the federal Government announced a more commercialized and flexible NHA housing finance mandate, which is specifically geared towards improving housing affordability and choice, facilitating introduction of new innovative mortgage-insurance products, and preserving access to mortgage financing in all regions of Canada.

(iii) Housing assistance

274. The administrative arrangements relating to social housing programmes and delivery are governed by federal-provincial-territorial global agreements on social housing. As of 31 December 1995, the portfolio of federally assisted housing units totalled 664,235 units (6.6 per cent of all households in Canada). Over the period 1 January 1990 through 31 December 1995, 168,613 new households were assisted under federal and federal-provincial-territorial social housing programmes. In addition, various unilateral provincial

programmes were delivered. Since 1990, it is estimated that the combined direct government expenditure on assisted housing in Canada has risen from $3.5 billion to approximately $4 billion. Municipalities are also active in promoting social housing.

275. Federal funding for new social housing units, with the exception of housing on Indian reserves and a series of short-term initiatives, was terminated in 1993. The budget for existing social housing was capped in 1994, and subsequently reduced in 1995 and 1996 through efficiency measures such as savings achieved by refinancing social housing loans at lower interest rates. In 1996, the federal Government opened negotiations to offer provinces and territories the opportunity to assume responsibility for the management of existing federal social housing resources. The new arrangements will maximize the impact of taxpayers' dollars and improve service by streamlining administration, reducing overlap and directing resources to low-income Canadians in need. The federal Government will continue to maintain its financial commitments to social housing and to uphold federal principles to help the needy, while allowing provinces and territories greater flexibility to manage social housing resources.

276. In 1994, the federal Government reinstated the Residential Rehabilitation Assistance Programme (RRAP) for two years at a cost of $100 million. RRAP provides assistance to bring homeowner and rental housing units, and roominghouses, up to minimum property standards, to complete emergency repairs on homes in rural areas, and to make housing accessible for persons with disabilities. Assistance is targeted to housing occupied by low-income households. In 1995, over 15,000 housing units were assisted through RRAP. In December 1995, the Government announced that the Programme would be extended to 31 March 1997 at a cost of $50 million. For further information on federal and joint assisted housing programmes, please refer to the enclosed Background Report on housing*.

277. In addition to these direct housing measures, there are substantial indirect expenditures on housing through the national income security system. For example, housing is the single largest expenditure by recipients of social assistance. The Canada Assistance Plan has been estimated to provide an additional $5.2 billion for shelter alone, thereby raising the total estimated expenditure on housing to $9.2 billion in 1993/94. Total government spending on housing is actually higher than this because of expenditures through other components of the national income security system, notably unemployment insurance, the Canada Pension Plan, old age security and the guaranteed income supplement.

(iv) Research and information-transfer activities

278. CMHC is considered the national housing expert and has the mandate, under Part IX of the NHA, to perform and manage a wide variety of research and communications activities aimed at improving housing and living conditions. CMHC sponsors, produces and disseminates research on all aspects of housing

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* Available at the Office of the United Nations High Commissioner for Human Rights.

and living environments, aimed at improving housing policy; enhancing housing market efficiency and housing quality, affordability and choice; and supporting improved decision-making related to housing finance, living environments, community planning and, in general, the well-being of the housing sector. The annual expenditure budget under Part IX is approximately $8 million. CMHC's research and information-transfer mandate was enhanced in 1996 to strengthen its capacity to promote housing exports, with the objective of expanding business opportunities in the housing sector and creating employment for Canadians.

279. Housing research is also coordinated through the National Housing Research Committee (NHRC), which is made up of federal, provincial, non-governmental, industry and consumer representatives. NHRC identifies priority areas for research or demonstration; encourages greater cooperation; develops partnerships and minimizes overlap in research activities; encourages support for housing research; and promotes dissemination, application and adoption of research results.

(v) Measuring and responding to housing needs

280. Canada has developed a comprehensive system for measuring the nature and incidence of housing problems, called the Core Housing Need Model. This model examines a household's situation to determine whether its housing is adequate, suitable (uncrowded) and affordable. A dwelling is considered to be adequate, if it is not in need of major repairs and has basic plumbing facilities. Suitable dwellings are those that meet the National Occupancy Standard: they have a sufficient number of bedrooms given the size and composition of the household. Dwellings are affordable, if households do not have to spend 30 per cent or more of their total household income on shelter. Households living below these standards are then examined to see if they have the income needed to afford the average market rent for adequate, uncrowded housing in their communities. For example, most owners and some renters who were paying more than 30 per cent of their incomes for shelter in 1991 could have found decent rental housing in their area for less than 30 per cent of their incomes. In cases where households do not have sufficient incomes, they are considered to be in core housing need. In Canada's 10 provinces in 1991, there were 1.16 million households in core housing need. This represents about 12 per cent of all households in Canada, with over 7 in 10 of these being renter households.

281. As in the past, the vast majority of households in core housing need in 1991 had affordability problems, rather than (or combined with) suitability or adequacy problems. Of all households in core housing need, 71.7 per cent had affordability problems only, while a further 14.8 per cent had affordability problems combined with suitability and/or adequacy problems. Tenure differences are important: only 3.6 per cent of all owners, in comparison with 22.9 per cent of all renters, were experiencing core housing need with respect to affordability. This contrast is associated with broad income differences between owners and renters. For example, although renters constitute only 36 per cent of all households in Canada, they make up 62 per cent of all households in the lowest-income quintile.

282. The second most frequently cited problem for people in core housing need in 1991 related to adequacy. About 10 per cent of all occupied dwellings in Canada were in need of major repairs in 1991, and less than 1 per cent lacked basic plumbing. These figures have fallen dramatically over the past several decades. Most of the households living in these dwellings could afford to remedy these conditions themselves. While 10.7 per cent of all owners were living below adequacy standards, only 1.8 per cent of all owners were actually in core housing need while experiencing adequacy problems. Though somewhat worse off, renters followed a similar pattern; while 10 per cent of all renters were living below adequacy standards, 3.5 per cent of all renters were actually in core housing need and experiencing adequacy problems.

283. The third and least likely cause of core housing need in 1991 was crowded living conditions (suitability problems). The role of this factor continues to diminish. As with the other factors, tenure differences are evident, although, for both owners and renters, the majority of households living below suitability standards could have found suitable housing in their area for less than 30 per cent of their income. While 3.8 per cent of all owners were living below the suitability standard, only 0.3 per cent of all owners were actually in core housing need with respect to this standard. While 7.9 per cent of all renters were living below the suitability standard, 2.7 per cent of all renters were actually in core housing need with respect to this standard.

284. In Canada, it is not feasible to measure housing need on the basis of waiting lists. Given the multiplicity of provincial, municipal and community organizations providing assisted housing, most people seeking this accommodation sign onto as many lists as possible. Despite some attempts to consolidate these lists, there continues to be a serious problem of overcounting. Moreover, households on waiting lists typically are not without shelter. People who become homeless qualify for assistance in the form of emergency shelter or hotel accommodation, through general social assistance programmes rather than housing programmes. At the same time, they are more likely to have high priority for social housing, as most providers use a point-rating system which relies on such criteria as affordability, adequacy, suitability, household size, refugee status, imminent eviction and domestic violence.

285. Many details on measuring and responding to housing needs in Canada are provided in the enclosed Background Report, including special sections focusing on children, Canadians with disabilities and Aboriginal peoples.

(vi) Homelessness

286. Sources of data to measure the incidence of homelessness have been limited, largely due to the enormous difficulties involved in enumerating this population. Statistics Canada undertook a special survey of soup kitchens in 16 selected cities as part of the 1991 official census, to test a methodology for future use. Since then, CMHC sponsored research which consolidated and synthesized available information on methods of measuring the extent of homelessness, and is now developing a tool to assist local shelters and agencies in standardizing the collection and management of data on

homeless-shelter users. CMHC has designated homelessness as a research priority, and initiated an ongoing NHRC Discussion Group on this topic in 1994.

287. Under the Federal-Provincial Non-Profit Housing Program, 5,438 units were produced since 1990, targeted to certain groups including the homeless and those "at risk" of homelessness, such as people being treated for alcohol and drug abuse, people with mental and physical disabilities, survivors of domestic violence and ex-patients of psychiatric hospitals. In addition to the units under the Non-Profit Program, 767 emergency and second-stage shelter units were produced between 1988 and 1995 (Project Haven and Next Step programmes) to aid women and children leaving domestic violence. Under the Shelter Enhancement Initiative, 1,909 shelter units were upgraded and 6 second-stage shelters were created in 1995/96. This initiative was renewed for 1996/97 with allocations of $4.3 million.

288. Under the 1994 reintroduction of the Rental Residential Rehabilitation Assistance Program (Rental RRAP), a specific allocation was identified to rehabilitate existing rooming house accommodation, a stock that typically houses individuals "at risk" of homelessness. Additional units could be rehabilitated where provinces or territories chose to participate. In 1995, with a federal budget of $16 million, Rental RRAP helped rehabilitate 2,523 units. Further funds are being targeted to the rental and rooming house component under the $50 million RRAP extension announced for 1996 and 1997.

289. CMHC recognizes that the problem of homelessness is much broader than a lack of accommodation; rather, it requires an integrated and coordinated approach including long-term supportive housing environments. CMHC has facilitated the development and/or demonstration of a number of comprehensive community-based "enabling" approaches. More details can be found in the enclosed Background Report.

(vii) Improving housing affordability and choice

290. As low-income households are predominantly renters, the private-sector rental stock plays an important role in meeting their shelter needs. Private rental accommodation provides the largest supply of affordable housing in Canada. Over 60 per cent of all rental stock in Canada, or about 2.2 million dwellings, were renting for less than $500 per month in 1991. The average cash rent at that time for all unsubsidized rental dwellings was $513 per month.

291. Two federal Government initiatives were introduced in 1992 to assist renters wishing to become home owners. The First Home Loan Insurance Program reduces the minimum down payment required to purchase a housing unit to 5 per cent, by extending mortgage insurance coverage from 90 per cent to 95 per cent. This Program assisted 247,896 households in the first three years. The Home Buyers Plan allows households with accumulated savings in registered retirement savings plans (RRSPs) to temporarily withdraw up to $20,000 of these funds without a tax penalty, for the purpose of purchasing a home. Between the commencement of this programme in 1992 and August 1994 just over 270,000 individuals had participated, releasing over $2.5 billion of their capital to facilitate access to home ownership.

292. Other federally initiated activities aimed at improving housing affordability and choice include the Affordability and Choice Today (ACT) programme and the Canadian Centre for Public/Private Partnerships in Housing (CCPPPH). The ACT programme is a partnership initiative among CMHC, the Canadian Home Builders' Association, the Canadian Housing and Renewal Association and the Federation of Canadian Municipalities, in which grants are provided to identify, demonstrate and promote changes in municipal planning and building regulations that will improve the affordability of housing. From its inception in 1989 until the end of 1995, this programme provided grants to 94 projects. Based at CMHC, the CCPPPH's mandate is to be a catalyst and adviser in partnership arrangements that generate new affordable housing without government assistance. Assisted projects have included those experimenting with new tenure forms, such as equity cooperatives and life-lease arrangements, as well as community-sponsored housing for the elderly and for persons with disabilities. Since the Centre's establishment in 1991, a total of 60 projects involving just under 3,400 units have been facilitated.

(viii) Enabling strategies

293. Federal housing policy in Canada has historically embraced the vision of enabling individuals and community organizations to actively participate in addressing their own housing needs. This approach has helped to foster a vibrant third sector with significant knowledge and experience in the planning and development, delivery and renovation of housing, as well as ongoing property management. CMHC is especially interested in developing enabling strategies to benefit groups such as the homeless, Aboriginal peoples, seniors, and women and children leaving domestic violence. Detailed information can be found in the enclosed Background Report.

International assistance

294. In February 1995, the federal Government adopted a new statement on foreign policy, "Canada in the World". Under that statement, the function and mandate of official development assistance is outlined as follows. The purpose of Canada's official development assistance is to support sustainable development in developing countries, to reduce poverty and to contribute to a more secure, equitable and prosperous world.

295. In June 1995, the Canadian International Development Agency adopted a new policy on poverty reduction. This policy emphasizes that poverty reduction will be the central focus of the Agency's development cooperation programmes. The Agency will make concerted efforts through its programmes to contribute to a sustained reduction in the number of people living in poverty in developing countries, and in the extent of their deprivation.

296. At the World Summit for Social Development, Canada committed itself to allocating 25 per cent of its official development assistance to meeting basic human needs, i.e. primary health care, basic education, family planning, nutrition, water and sanitation, and shelter. In some areas of the world, the percentage of the aid programmes for that purpose will reach 30 per cent of total aid, and in other areas 35 per cent. The norm agreed to at the World Summit is 20 per cent.

297. Although Canada remains committed to allocating 0.7 per cent of its Gross National Product (GNP) to official development assistance, its present fiscal situation has forced a reduction in spending in recent years to 0.3 per cent of GNP.

Article 12. Right to physical and mental health

Health-care system

298. For detailed information on the physical and mental health of Canada's population, and for a detailed description of Canada's health system, please refer to the section on Canada in Health Conditions in the Americas, published by the Pan American Health Organization (1994 edition, Volume II, pages 97-107) and to the International Handbook on Mental Health Policy, edited by Donna R. Remp, Greenwood Press, Westport, Connecticut and London, pages 45-66.

299. As explained in previous reports, Canada has a predominantly publicly financed, privately delivered health-care system, which provides access to universal, comprehensive coverage for medically necessary hospital and physician services.

300. It is best described as an interlocking set of 10 provincial and 2 territorial health insurance plans, resulting from the constitutional assignment of jurisdiction over most aspects of health care to the provincial order of government. The system is referred to as a "national" health insurance system in that all provincial-territorial health insurance plans are linked through adherence to national principles set at the federal level. The federal Government is assisting in the financing of provincial-territorial health-care services through fiscal transfers (Canada Health and Social Transfer). Provincial-territorial health insurance plans must meet the following principles for a province or territory to qualify for its full federal transfer payments: universality of population covered; comprehensive coverage of insured services; reasonable access to insured services without an impediment by way of user charges (no one may be discriminated against on the basis of income, age, health status, etc.); portability of benefits; public administration on a non-profit basis.

301. The National Forum on Health, the first in-depth national review of Canada's health system since the early 1980s, was launched in 1994 to examine the medium- to long-term issues facing Canada's health system and to find innovative ways to improve the health of Canadians. The Forum's membership includes the Prime Minister (chair), the federal Minister of Health (vice-chair), and 24 volunteer members from a variety of backgrounds in the area of health. The purpose of the Forum was to provide an opportunity for Canadians from across the country to discuss the future of the health system.

302. The Forum's final report, issued in February 1997, concluded that current levels of spending are sufficient and that the public sector has proven it can manage the system efficiently. It concluded that preserving Medicare also means adapting to new realities. Key recommendations include: expansion of public coverage to include all medically necessary services (i.e. home care and drugs); reforming primary care funding, organization and

delivery; creation of a transition fund to support evidence-based innovations; strengthen community action; creation of a national health information system.

Percentage of GDP spent on health

303. In 1994, Canada spent an estimated $72.5 billion on health care, representing 9.7 per cent of GDP. The overall annual rates of growth in national health expenditures, estimated by Health Canada, slowed to 1.0 per cent for 1994, down from 2.5 per cent in 1993 and 5.6 per cent in 1992. In 1994, estimated spending on hospitals and other institutions was 47 per cent of total health expenditures. Estimated spending on physician services was 14.2 per cent, while estimated spending on drugs amounted to 12.7 per cent. Public-sector spending (spending by governments) represented 71.8 per cent of total health expenditures.

(i) Infant mortality rate

304. The infant mortality rate per 1,000 live births in 1992 was 6.1. In 1993, however, there was a slight increase, from 6.1 to 6.3. This was the first time since 1962 that there was an increase in infant mortality rates. Rates had declined steadily prior to 1993. Historically, mortality rates have been higher for male newborns than for female newborns. However, the gap has been narrowing steadily. In 1993, the infant mortality rate was 6.9 per 1,000 for boys compared with 5.6 for girls.

(ii) Access to safe water and to adequate excreta-disposal facilities

305. The vast majority of the population has drinking water services. Eighty per cent have disposal systems served by community services, and 20 per cent have individual sewage systems. The Aboriginal populations lack adequate plumbing facilities in a greater proportion: 81.5 per cent of households have at least cold running water, while 88.6 per cent of homes have flush toilets.

(iii) Infant immunization against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis

306. Eighty-five to 90 per cent of children receive DPT (diphtheria, pertussis, tetanus) and polio vaccines, and 95 per cent are immunized against measles before the age of 2.

(iv) Life expectancy

307. Life expectancy in Canada has increased steadily over the decades to become among the longest in the world. Female babies born in 1993 could expect to live 81 years on average, and males could expect to live 74.9 years. Among Aboriginal peoples, life expectancy at birth was about seven years less than for the total Canadian population in 1991, for both men and women. Life expectancy varies significantly among Aboriginal groups in Canada.

(v) Access to trained medical personnel

308. It is estimated that the entire population has access to health services, and that all pregnant women and nursing infants, and most deliveries, are attended by trained personnel.

Health of disadvantaged groups

309. Although health is a provincial-territorial responsibility, the federal Government is responsible for the health of Aboriginal people on reserves and in the North.

310. Recognizing the need to increase current programming and to respond to health concerns expressed by First Nations and Inuit, a working group was established in 1991 to recommend practical changes to improve the health of all Aboriginal people in Canada. The working group's recommendations were submitted in 1993 to the Conference of Deputy Ministers of Health. At the February 1994 Conference of Ministers of Health, the federal Health Minister agreed to consult with the five national Aboriginal organizations for the development of a comprehensive health policy, and to report to the provinces and territories on these consultations.

311. In September 1994, the Minister announced a new health strategy for Aboriginal people, entitled Building Healthy Communities, with a budget of $243 million. This funding is devoted to priorities identified by First Nations and Inuit people in areas of mental health, solvent abuse and home-care nursing. In addition, the federal Government has taken steps to enhance and expand the transfer of health resources to First Nations and Inuit communities, at a pace determined by them. Close to 100 First Nations are already controlling their own community health resources as a result of the transfer initiative, and more than 200 others are involved in some phase of the transfer process.

312. Despite impressive gains, Aboriginal children on reserves and Inuit are still considered to be among those most at risk in Canada. The infant mortality rate is more than twice as high as that of the non-Aboriginal population, a higher rate than the poorest neighbourhoods in urban Canada. Indian and Inuit communities also have higher rates of death and illness from unintentional injuries, violence and suicide. The isolation of many communities and lack of economic activity are major contributing factors. Fifty-one per cent of Aboriginal children live in poverty compared to 18 per cent in the general population. New "Brighter Futures" programmes, funded by Health Canada and implemented and delivered in partnership with the provinces and territories, are designed to improve the physical, mental and social well-being of Inuit and on-reserve Indians. This includes the First Nations and Inuit component of the Canada Prenatal Nutrition Program referred to in paragraphs 254 and 327.

313. For Aboriginal people living off reserve, a community-centred early intervention programme, designed and controlled by Aboriginal people, the Aboriginal Head Start Program, is being developed to address the unique needs of Aboriginal children off reserve in urban centres and large northern communities.

314. Health Canada provides bursaries and scholarships for the training of Aboriginal health professionals. This is in addition to funding for post-secondary education described in paragraph 350.

315. Some initiatives supporting research related to Aboriginal health include the First Nations Health Research and Development Program, funding for research on diabetes in the Canadian Aboriginal population, and the National AIDS Strategy Coordination of Aboriginal HIV/AIDS Issues. Other activities include the Seniors Aboriginal Project and the Senior Community Program, as well as the Community Action Program for Children, which is jointly managed by the federal, provincial and territorial governments to fund community groups for the delivery of services addressing the developmental need of at-risk children (0-6 years). Aboriginal and Inuit women and their families are a priority group.

Women's health

316. For detailed information on health care for women in Canada, please refer to the most recent national report on the Convention on the Elimination of All Forms of Discrimination against Women under article 12.

317. The Women's Health Bureau was created in August 1993. Its main responsibility is to ensure that women's health issues are given appropriate attention and emphasis within Health Canada. The Bureau works to promote an understanding of gender as a critical variable in health, and to analyse and assess the impact of policies, programmes and practices of the health system on women's health. In 1995, the Bureau coordinated the federal Government's contributions to the health chapter of the Beijing Platform for Action. The Women's Health Bureau will coordinate the development of federal Government implementation plans related to the health chapter of the Platform. The Platform for Action has helped and will continue to help shape the work of the Women's Health Bureau, in particular the Women's Health Strategy described below.

318. The Women's Health Bureau is developing a Women's Health Strategy guided by four objectives: (i) to ensure that Health Canada policies and programmes are responsive to sex and gender differences, and to women's health needs; (ii) to increase knowledge and understanding of women's health and women's health needs; (iii) to support the provision of appropriate and effective health services to women; (iv) to promote good health through prevention and the reduction of those risk factors that most imperil the health of women. Gender-impact analyses of all departmental policies and programmes will be implemented.

319. On 25 June, 1996, the Minister of Health announced the establishment of five Centres of Excellence for Women's Health located in Halifax, Montreal, Toronto, Winnipeg and Vancouver. These centres will examine and conduct research on issues such as the impact of health reform on women and women's health; patterns of health service provision to women; women's experience with the health system; and influences on health and the health needs of particular groups of women. The centres will influence policy-development processes in the health system and respond to requests for policy advice in specific areas. The centres of Excellence for Women's Health Program also provides financial

support to the Canadian Women's Health Network (CWHN), established to link the Centres and other organizations and individuals concerned with women's health in the governmental and non-governmental sectors.

320. Health Canada addresses women's health in numerous programmes, which are described below.

321. From 8-10 August, 1996, the Minister of Health and the United States Secretary of Health and Human Services, Donna Shalala, co-hosted the first ever Canada-USA Women's Health Forum. The principal objectives of this event were to exchange information on women's health programmes and policies; influence the policy-making process in both countries; increase the profile of and raise awareness about key women's health issues; discuss the implementation of commitments made during the Beijing Conference; and finalize a programme of cooperation in women's health between Canada and the United States on joint initiatives in the areas of breast cancer, tobacco use, research and information networks.

322. In 1992, the federal Government launched its Breast Cancer Initiative and allocated $25 million over five years to breast cancer research and support programmes.

323. Legislation entitled the Human Reproductive and Genetic Technologies Act (Bill C-47) was introduced in June 1996 prohibiting 13 unacceptable uses of new reproductive and genetic technologies (NRGTs). A position paper was also released setting out the federal Government's proposed policy on the management of NRGTs, including a proposed regulatory component.

324. As part of Canada's Drug Strategy, Health Canada is collaborating with other federal departments, provincial governments and NGOs to reduce the harm to women caused by alcohol and other drugs. A 1993 round table and the 1994 National Workshop for Action on Women and Substance Abuse brought together experts from across Canada to identify key issues and strategies for action.

325. The Women and Tobacco Initiative and the Pre- and Postnatal Tobacco Initiative are key components of the 1994 Tobacco Demand Reduction Strategy. Programs under the Initiative address, inter alia: research on women and smoking prevention, reduction and cessation; policy development on tobacco control; demonstration projects of women-centred approaches.

326. An Interdepartmental Working Group on Female Genital Mutilation (FGM), chaired by Health Canada, held community consultations in February and March 1995 to seek input on how to best address this issue. As a result, a public education tool is being developed to help educate communities about the health, legal and socio-cultural aspects of FGM.

327. The Canada Prenatal Nutrition Program, announced in February 1994, is a comprehensive programme of which food supplementation is a key element, accompanied by nutrition counselling, support and education with reference to such issues as substance abuse and other factors including stress and violence. The Program is targeted to low-income pregnant women and will set up new programmes or expand already existing ones.

328. The Girls and Women Initiative within Health Canada's Fitness Program focuses on building the knowledge base and identifying the most appropriate approaches for eliminating social, systemic and structural barriers that affect participation in physical activity.

329. The health of senior women is a major focus of the work of the Division of Aging and Seniors of Health Canada. The Division coordinates the New Horizons: Partners in Aging community funding programme, which has provided financial support for innovative demonstration projects involving seniors at the grass-roots level, including many projects relevant to senior women. The Senior's Independence Research Program (SIRP) is an extramural research programme designed to strengthen national research with a balanced emphasis on social, economic and health determinants for seniors. The Program has a major focus on dementia (including Alzheimer's Disease) and osteoporosis, both of which are significant health concerns for women.

330. In addition to the above research initiatives, biomedical and epidemiological research and regulatory activities in Health Canada address a wide range of women's health issues, including chronic diseases (such as breast cancer and other cancers, Alzheimer's disease and other dementias), sexual and reproductive health (such as AIDS/HIV and other sexually transmitted diseases), environmental and occupational health issues (such as farm family health, effects of organochlorides in the environment), tobacco, maternal and child health, and drug safety.

Protection of the environment

(i) Legislative changes

331. The Canadian Environmental Protection Act, proclaimed into force on 30 June, 1988, provides a framework for protecting Canadians from all forms of pollution caused by toxic substances, as explained in Canada's previous report under the Covenant (paragraphs 142-143). The Act underwent a comprehensive parliamentary review by the House of Commons Standing Committee on Environment and Sustainable Development in 1994/95. In its June 1995 report, entitled It's About Our Health!, the Committee proposed major changes to the Act. The Government's response, filed in December 1995, will be followed by some related legislative amendments.

332. The Transportation of Dangerous Goods Act, 1992 promotes public safety in the transportation of dangerous goods. Public safety is understood to cover people, property and the environment. The Act applies to anyone who offers for transport, handles or transports dangerous goods, or who manufactures means of containment for dangerous goods; the scope of application includes all levels of government, their departments, agencies and corporations. It allows for court orders for environmental cleanups and for public safety-oriented research. The Regulations adopted under the Act, based on the United Nations Recommendations on the Transport of Dangerous Goods, are used by the provinces and territories as their own regulations, thus providing domestic consistency in the promotion of public safety.

333. The Migratory Birds Convention Act, 1994, assented to on 23 June, 1994, clarifies the scope of the original Act passed in 1917 to implement the

Migratory Birds Convention between Canada and the United States. Also, the Canada Wildlife Act, passed in 1973 to permit the Government to conduct wildlife research and to undertake various activities related to wildlife conservation and interpretation, was amended in June 1994 to cover wild plants and other organisms as well as marine areas. In each case, the new enactment updates and strengthens the enforcement provisions, and increases the penalties for offences and the authority of the courts to make sentencing orders.

334. The Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) came into force on 14 May, 1996. It replaces and strengthens legislation that was previously used to implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In addition, it prohibits trade in wildlife which has been taken illegally or transported illegally from one province or territory of Canada to another, as well as prohibiting the importation of species which are harmful to Canadian ecosystems. The Act provides for high penalties (both fines and jail terms) for offences.

335. The Alternative Fuels Act was passed by Parliament and assented to on 22 June, 1995. The purpose of this enactment is to accelerate the use in Canada of alternative fuels in motor vehicles to reduce the emission of carbon dioxide and other greenhouse gases, thereby lessening dependence on petroleum-based fuels for transportation. The enactment requires the President of the Treasury Board to ensure that, by the year 2004, following a seven-year phasing-in period, 75 per cent of all automobiles, passenger vans and light duty trucks operated by federal Government departments and agencies will be using alternative fuels. The same requirement applies to every Crown corporation.

336. The Canadian Environmental Assessment Act, assented to on 23 June, 1992, came into force on 19 January, 1995. It replaces the Environmental Assessment and Review Process Guidelines Order of 21 June, 1984 to integrate environmental considerations into all federal project planning. It provides a complete framework for environmental assessment, specifying, for example, the projects subject to an environmental assessment, the federal authority responsible for the assessment, the detailed process to follow, the possibility of judicial review of the decision made, the conditions for citizens' access to information, and the regulation-making authority. The Act also establishes the Canadian Environmental Assessment Agency to advise and assist the Minister of the Environment in performing the duties and functions conferred on the Minister by the Act.

(ii) Promotional activities

337. The federal Government recently announced a new programme, Action 21, to help Canadians take action in support of a healthy environment. Action 21 has two components: a community funding programme for non-government, non-profit organizations and a public-awareness initiative to encourage Canadians to make choices in favour of the environment in their daily lives.

(iii) Other initiatives

338. The Government has taken action in a number of areas to protect the ozone layer within its Ozone Protection Program. Actions under this program include: accelerating the phase-out of ozone-depleting substances, supporting recovery and recycling of these substances; informing the users of the substances about the alternatives available and informing the public about the issue and what they can do to help to resolve it.

339. The strategy for phasing out ozone-depleting substances includes the elimination of the production and import in Canada of chlorofluorocarbons by 1 January, 1996, the complete elimination of importation of new halons beginning 1 January, 1994 (halons are not manufactured in Canada), the elimination of production and import of carbon tetrachloride by 1 January, 1995, and the elimination of production and import of methyl chloroform and hydrobromofluorocarbons by 1 January, 1996.

(iv) International cooperation

340. Canada is a supporter of strong and effective international conventions to deal with global environmental threats and the early ratification of these conventions. Canada is therefore party to a number of international environmental agreements inside and outside the United Nations system as explained in the previous report (paragraph 151). In addition, Canada is now party to the 1992 amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer, the 1992 Framework Convention on Climate Change, and the 1992 Convention on Biological Diversity. Canada will host the ninth meeting of the States parties to the Montreal Protocol in 1997. That meeting will mark the tenth anniversary of the Montreal Protocol, adopted in 1987.

341. Canada has a number of bilateral agreements with the United States and other countries. In addition to the agreements mentioned in the previous report (paragraph 152), Canada has an Air Quality Agreement with the United States (1991), as well as bilateral environmental cooperation agreements with the People's Republic of China (1993), the Russian Federation (1993), Chile (1995) and the Republic of Korea (1995). In the trilateral context, Canada, the United States and Mexico are party to the 1992 North American Agreement on Environmental Cooperation and have created the North American Commission on Environmental Cooperation to, among other things, oversee the implementation of the Agreement.

(v) Industrial hygiene

342. As mentioned in Canada's second report on articles 10-15 (paragraph 154), the Workplace Hazardous Materials Information System (WHMIS) came into force in October 1988. As part of the original package, exclusions from WHMIS requirements were granted for the following products: a restricted product when packaged as a consumer product; explosives within the meaning of the Explosives Act; a cosmetic, drug, food or device within the meaning of the Food and Drug Act; a pest-control product within the meaning of the Pest Control Product Act; a prescribed substance within the meaning of the Atomic Energy Control Act; wood or products made of wood. A review by a committee of Parliament on the need to continue with these exemptions was recently

completed. Based on the recommendations of the committee and with the government's concurrence, amendments to WHMIS addressing the existing exclusions will be presented to Parliament for consideration in the future.

343. The Non-Smokers' Health Regulations have been revised. Smoking on all international flights by Canadian airline companies is now banned. Over the past five years, revisions of the regulations have occurred, which have banned smoking in an incremental manner. However, the Supreme Court has declared unconstitutional the provisions of the Tobacco Products Control Act that prohibit the advertising and promotion of tobacco products in Canada.

Article 13. Right to education

344. As mentioned in previous reports, in Canada, education is a provincial responsibility. The federal Government, however, has responsibility for the education of children who live on Indian reserves or Crown land. Also, the Government continues to provide support for post-secondary education through fiscal transfers to provinces and territories, aid to university research, student financial assistance and other forms of support.

Education of Aboriginal people

345. The percentage of school-aged (4-18) children on reserves enrolled in kindergarten, elementary and secondary schools increased from 80 per cent in 1985/86 to 81.6 per cent in 1995/96. The rate of perseverance also increased. The proportion of children who remain in school until grade XII increased from 33.9 per cent to 75.1 per cent during the same period.

346. The number of students receiving some level of instruction in their Aboriginal language continues to rise. In 1994, nearly 69 per cent of the on-reserve student population received such instruction. A major integration of Indian languages, culture and traditions has taken place, and there has been a dramatic increase in the number of Aboriginal people among teaching staff and school administrators.

347. The federal Government continues to transfer the control of schools on reserve to Indian First Nations. In 1996, 429 schools were operated by First Nations, compared with 280 in 1988/89. In 1995/96, 57 per cent of the students were attending schools operated by First Nations compared with about 36 per cent in 1988/89.

348. The number of Registered Indians aged 17 to 34 enrolled in post-secondary education more than doubled between 1985/86 and 1995/96, from 11,170 to 26,300.

349. As mentioned in paragraph 164 of Canada's second report on articles 10-15 of the Covenant, the Government of Canada provides financial support to Registered Indian and Inuit students for tuition fees, travel and living expenses. The total amount of funds allocated to this programme increased from $147.2 million in 1989/90 to $261.3 million in 1995/96.

Support for post-secondary education

350. The federal Government continues to support post-secondary education. In 1994/95, total federal support reached $8.2 billion, compared with $8.1 billion in 1993/94. It represented more than 50 per cent of total expenditures for post-secondary education from all sources in 1994/95. Of this amount, $6.18 billion were in the form of fiscal transfers to provincial and territorial governments.

351. Up to the fiscal year 1995/96, the transfers were provided under the federal-provincial fiscal arrangements, which provided for transfers to the provinces and territories for post-secondary education and health. As of 1 April 1996, the range of block-funded programmes will be expanded to include support for social assistance under the terms of the Budget Implementation Act, 1995. The new arrangement, to be known as the Canada Health and Social Transfer, increases the flexibility available to the provinces and territories to allocate the federal funding in the three areas covered - health, post-secondary education and social programmes - according to their own priorities.

352. The most recent reports of the Organization for Economic Cooperation and Development (OECD) show that Canada has the highest level of educational expenditure as a percentage of gross domestic product among its member States.

353. As mentioned in Canada's previous report, the federal Government provides financial assistance to the provinces and territories in support of the additional costs that they incur in the maintenance and development of minority official-language education and second official-language instruction at the primary, secondary and post-secondary levels. Federal expenditures with respect to official languages in education at all levels of education were $211.1 million in 1994/95.

354. In May 1993, the Government of Canada announced the implementation of special initiatives concerning school governance and post-secondary education in French. These measures were aimed at helping certain provinces to implement school governance for their Francophone minority and expanding access to post-secondary education in French.

Financial assistance for students in higher education

355. Major changes have been made to the Canada Student Loans Program (CSLP). These include changes in the eligibility requirements, increased assistance for the most needy students, and measures to streamline the system and alleviate the burden for the taxpayer.

(i) Increased assistance

356. On 1 August 1994, the weekly loan limit for a full-time CSLP student loan was raised from $105 to $165, and the ceiling on loans for a part-time student was raised from $2,500 of maximum outstanding principal to $4,000.

357. Previously, part-time students had to make principal and interest payments on their loans during their studies. This is no longer the case.

Part-time students are now required to pay only the interest on their loans while they are in studies, and payments on principal and interest begin six months after ceasing studies. Also, high-need students who can study only part time because of family or other responsibilities are now eligible for special opportunity grants of up to $1,200 per year to assist them to pay for education expenses (grants do not have to be reimbursed).

358. Women in certain fields of doctoral studies are able to apply for special opportunity grants of up to $3,000 for up to three years. The fields encompass a wide variety of disciplines in which women have historically been under-represented.

359. Loan forgiveness is available for students with permanent disabilities who are facing financial hardship. In addition, eligibility requirements for full-time loan assistance take into account the extra time it may take students with disabilities to complete their studies. Students with permanent disabilities may also be eligible for special opportunity grants of up to $3,000 to help meet their exceptional education-related costs.

360. The Interest Relief Plan, whereby borrowers in financial difficulty may defer payment, has been expanded to include low-income employed borrowers, as well as those who are unemployed or temporarily disabled. Interest relief is available for up to 18 months during the first 5 years of repayment for full-time students, and 30 days after disbursement for part-time students.

(ii) Changes in eligibility requirements

361. The eligibility criteria for the CSLP have been changed to link aid to the successful and timely completion of studies. In addition to existing criteria, students must now complete the programme within the number of periods of study normally specified by the school, plus one additional period, if necessary. They must enrol in a programme of studies leading to a degree, diploma or certificate. Full-time students must successfully complete 60 per cent of a full course load to be eligible for continued funding. Full-time students may be entitled to a maximum of 340 weeks of assistance (400 weeks in the case of doctoral students). However, full-time students who received loans prior to 1 August 1995 and students with permanent disabilities continue to have up to 520 weeks of assistance.

(iii) Measures to streamline the system and alleviate the burden on taxpayers

362. The Government has signed contracts with nine financial institutions that are providing loans to students. The Government pays the interest on the loans while the borrowers are pursuing their full-time studies and, in the case of loans negotiated prior to 1 August 1993, for six months after the completion of studies.

363. The lenders now assume full responsibility for the loans after the termination of their studies. In return for taking on the risk associated with loans not being repaid, the Government pays the lenders a risk premium of 5 per cent of the face value of the loans entering consolidation. All

eligible students will continue to have access to CSLP student loans without reference to past credit history and with no fees charged on the loan, while they are in full-time studies.

364. These changes were facilitated by the passage in 1994 of the Canada Student Financial Assistance Act, which came into force on 1 August 1995.

365. In the 1995/96 academic year, university tuition fees increased on average by 7.1 per cent for undergraduate students. Despite the high public-sector contribution to post-secondary education, tuition fees in Canada are still relatively high compared to other OECD countries such as France, the United Kingdom and Germany, where tuition fees are significantly lower or non-existent. However, the most recent OECD indicators show that Canada has one of the highest net enrolment rates in tertiary education. Data indicate that, in general, Canada's post-secondary education systems are highly subsidized by the public sector, widely accessible, and produce a high number of graduates relative to the young population.

Measures to promote education and literacy

366. Since 1989, through its Labour Force Development Strategy, the Government of Canada has increased the use of employment insurance funds to promote education at the secondary and post-secondary levels. Employment insurance claimants have greater access to an employment insurance claim to gain secondary school equivalencies, as well as to acquire vocational skills at the post-secondary level to increase employability and lessen subsequent periods of reliance on the employment insurance programme. These funds are also now available for use in literacy and numeracy training projects.

367. Two new programmes were created in 1994/95: the Learning Initiatives Fund and the Office of Learning Technologies. The Learning Initiatives Fund was established to support initiatives contributing to the development of a more results-oriented, accessible, relevant and accountable learning system. The Office of Learning Technologies was established to work with partners across Canada to expand innovative learning opportunities through technologies. Potential partners include universities, colleges and other learning organizations, sector councils, labour, private-sector and business associations; all levels of government; non-governmental organizations and community groups. The vision of the Office of Learning Technologies is to contribute to the development of a lifelong learning culture in Canada. Its main objectives are to promote the effective use of learning technologies, support assessment, research and testing related to their use, and increase the availability and sharing of knowledge and quality information about learning technologies. The Office of Learning Technologies is currently working towards these objectives through a number of initiatives, including consultations, partnership-building, a contribution programme and projects featuring effective use of learning technologies by diverse groups of adult learners in learning settings across Canada, and development of information databases and an Internet site.

368. The National Literacy Secretariat (NLS) continues to promote literacy in Canada in collaboration with the provincial and territorial governments, and the private and voluntary sector. By supporting the raising of public

awareness, improving access and outreach, enhancing information sharing and coordination, developing Canadian learning materials and supporting research, the federal Government complements provincial-territorial literacy-delivery systems.

369. The Government has widened significantly the scope of literacy activity in this country by forming partnerships with the voluntary sector. Ongoing partnerships with national organizations such as the Movement for Canadian Literacy, la Fédération canadienne pour l'alphabétisation en français, Laubach Literacy of Canada and Frontier College provide an overarching network for the literacy community. As well, many influential associations have joined with the federal Government to promote literacy in Canada. The federal Government, through the NLS, has forged significant partnerships with business and labour to promote literacy practice in the workplace and to encourage the support of workplace literacy programmes.

370. In 1994, the International Year of the Family, the federal Government and its national literacy partners joined together with dozens of other literacy groups to promote family literacy. Based on the assumption that literacy begins at home, the NLS worked with its provincial partners to support projects that develop family literacy.

371. In 1994, the federal Government restored the NLS programme fund cuts made by the previous Government. The NLS has operated at its full budget of $22.3 million since then. In 1997/98, the budget for the NLS will increase by 31 per cent to $29.3 million. As well, NLS designed the literacy component ($2 million annually) of TAGS (The Atlantic Groundfish Strategy mentioned in paragraph 217). This initiative, currently in year three of its five-year mandate, has seen the development of community-based responses to the literacy concerns of fishers and has complemented active measures, including literacy-training programmes. To respond to the desire of young people to become involved in literacy issues as tutors, and to meet some literacy needs of young people, the NLS administers the $1 million (annually) Literacy Corps Program.

372. The Canadian Report of the International Adult Literacy Survey (IALS) was released by Statistics Canada in September 1996. To use the language of the report, IALS is a recognition that the definition of literacy has evolved from basic reading competence to include the ability to understand and employ printed information in daily activities encountered at home, at work and in the community to achieve one's goals, and to develop one's knowledge and potential. The ability to use and process written information is a necessary skill in industrialized nations. The IALS survey recognizes that everyone has some level of proficiency, which may or may not be sufficient to meet daily demands. While the study assessed three different aspects of literacy (prose literacy, document literacy and quantitative literacy) for practical purposes, reference is often made to the prose scale. On this scale, Canadians are found to have the following literacy skills. At level one, 22 per cent of Canadians have extreme difficulties with reading. They have very few basic skills or strategies available to them to decode and work with text. Generally, they are aware that they have problems. At level two, 26 per cent of Canadians have only the most limited of skills; they read, but they do not read well. Individuals at this level are constrained by having limited

strategies to decode text and often do not recognize their own limitations. At level three, 33 per cent of Canadians have a basic skill level which, in many countries, is viewed as an effective working level. Twenty per cent of Canadians are at levels four to five and have very high levels of literacy, with wide skill sets and many strategies.

International cooperation

373. Since 1995, Canada, the United States and Mexico conducted the Program for North American Mobility in Higher Education in the spirit of the North American Free Trade Agreement. This is a cooperative initiative to enhance student academic and work exchange among higher education/training institutions and the private sector in the three countries. Twenty cooperative activities involving more than 400 students over three years have been approved in 1995/96. A similar initiative, the Canada-European Community Program for Cooperation in Higher Education and Training, was also launched in December 1995. This three-year pilot programme is aimed at expanding linkages for Canadian colleges and universities with counterparts in EC member States to promote student exchanges and internships. Six cooperative projects involving more than 150 Canadian students over three years were selected in 1996.

Article 15. Right to take part in cultural life, and to enjoy the benefits of scientific progress and the protection of authors' interests

Availability of funds

374. In the 1994/95 fiscal year, all levels of government in Canada spent about $5,839,000,000 on culture. The federal Government spent $2,875,000,000; provincial and territorial governments $1,824,000,000; and municipal governments $1,426,000,000. (From these totals, $286 million in intergovernmental transfers must be subtracted to avoid double-counting.) Total gross expenditures by governments increased 8.6 per cent from 1989/90 to 1994/95.

375. At the federal level, the Canadian Broadcasting Corporation (CBC) is a major vehicle for cultural policy. In fact, broadcasting consumed over one half of the total federal spending on culture. Another $622 million were spent by the federal Government on heritage resources, that is, specifically, museums, public archives, historic sites and nature parks.

376. The largest single area of provincial, territorial and municipal government expenditure on culture was libraries, an important means of disseminating Canadian cultural material. The provinces spent $676.2 million on libraries and the municipalities spent $1.1 billion on libraries in 1994/95.

377. Federal Government spending by many departments will continue to decline. In the February 1995 budget, the Minister of Finance announced spending cuts to the Department of Canadian Heritage and its agencies of $676 million over three years, starting in 1995/96. Authorized spending levels are budgeted to fall by approximately 25-28 per cent by 1998/99 from

$2.8 billion in 1994/95. These projected costs included, in 1995/96 alone, a 4 per cent cut to the CBC and 5 per cent cuts to Telefilm Canada and the National Film Board. The Canada Council has made major changes to reduce its budget while trying to maintain its support to the cultural community.

Institutional infrastructure

378. Responsibilities for cultural matters have been transferred to the recently created Department of Canadian Heritage from the Department of Communications, which has been abolished. The Department of Canadian Heritage also inherited some responsibilities, including human rights, multiculturalism and official languages, which were previously under the Department of Multiculturalism and Citizenship, which was also abolished.

Promotion of cultural identity as a factor of mutual appreciation among individuals, groups, nations and regions; promotion of awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of Indigenous peoples

379. In August 1994, the Government of Canada approved the establishment of an accountability framework for carrying out its commitments to official-language minority communities. Under the Official Languages Act, the federal Government is committed to fostering full recognition and use of English and French in Canadian society, as well as enhancing the vitality of English and French linguistic-minority communities everywhere in Canada. This commitment involves not only seeing that these communities enjoy access to services in their own language, but also having all federal institutions participate actively in fostering their development and enhancing their vitality. In compliance with the accountability framework, 26 key agencies and departments, which were required to consult the minority communities to assess their needs, have prepared action plans in which the federal institutions established different measures and activities to fulfil their commitments. The federal institutions in question are basically those working in the fields of economic, cultural and human resources development.

380. The direct financial assistance provided by the Government of Canada to official-language minority communities through its Official Languages Support Programs now takes the form of agreements between the Government of Canada and the community of each province or territory. These agreements aim at helping communities to take greater control of their own development and to participate more actively in setting priorities and allocating resources.

381. The Department of Canadian Heritage is responsible for the administration of the Canadian Multiculturalism Act, enacted in 1988. The Act is designed to strengthen Canada by fostering an inclusive society in which all people of all backgrounds, whose identities are respected and recognized as vital to an evolving Canadian identity, feel a sense of belonging and attachment to this country, and participate fully in Canadian society.

382. The Secretary of State for Multiculturalism and the Status of Women has tabled in Parliament, the seventh annual report of the Government, for the year 1994/95, on the operation of the Act. A copy of that report will be

forwarded to the Secretary-General with the present report*. Each of the annual reports provides information on the activities carried out by well over 100 departments and agencies to promote multiculturalism in areas as diversified as government operations, cultural affairs, economic affairs, health, justice, defence and foreign affairs.

383. The Department of Canadian Heritage monitors these activities and continues actively to promote the implementation of the Act and the multiculturalism policy of the Government. Many interdepartmental and intergovernmental committees assist in this task, including the Interdepartmental Working Group on Multiculturalism and Justice and the Federal-Provincial-Territorial Working Group on Multiculturalism and Justice.

Role of the media

384. In 1991, Parliament adopted a new Broadcasting Act. The new Act contains provisions similar to those of the previous Act, and it confers on the Canadian Radio-Television and Telecommunications Commission powers similar to those it had under that Act as described in paragraphs 124-127 of Canada's first report on articles 13-15 of the Covenant.

Preservation and presentation of humankind's cultural heritage

385. In 1995, the Old Town portion of Lunenburg, Nova Scotia, was officially designated a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Committee. The World Heritage Committee accepted Lunenburg as "an outstanding example of planned European colonial settlement in North America in terms both of its conception and its remarkable level of conservation". Lunenburg is the second World Heritage Town designated in Canada, Quebec City having been listed in 1985.

386. At the same time, the Waterton Glacier International Peace Park has also been designated a World Heritage Site. Under the designation, Waterton International Peace Park (Canada) and Glacier National Park (United States) join, under the name Waterton Glacier International Peace Park, the Grand Canyon, the Canadian Rocky Mountain Parks, Australia's Great Barrier Reef and more than 400 other World Heritage Sites of outstanding global value. Waterton Lakes National Park protects 525.8 square kilometres in southern Alberta. The Government of Canada established the park in 1895, 15 years before Glacier would achieve similar status in the United States. Canada and the United States expanded the national park concept in 1932, when they formed Waterton Glacier International Peace Park, the first to span an international border. The United Nations recognized the significance of both parks by designating them Biosphere Reserves for research, education and the preservation of biological diversity.

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* Available for consultation at the Office of the United Nations High Commissioner for Human Rights.

387. In 1995, Parliament adopted Bill C-93, which amended the Cultural Property Export and Import Act, the Income Tax Act and the Tax Court of Canada Act. Bill C-93 established an appeal process for determinations, made by the Canadian Cultural Property Export Review Board, of the fair market value of certified cultural property. The amendments to the above acts are designed to give the donor or recipient institution the right to request that the Review Board reconsider its initial determination, if the donor believes it does not represent the fair market value. Also, if the donor disagrees with the Board's redetermination of the market value of the cultural property, he/she may appeal this decision to the Tax Court of Canada. The amendments will benefit donors and museums, archives, libraries and art galleries throughout Canada. While donors do receive a tax credit, their donations enrich public collections for the enjoyment and education of all Canadians. These amendments help to ensure that objects that might otherwise be lost to Canada are retained in Canada and donated to public institutions.

388. The Canadian Museum of Civilization Corporation oversees both the Canadian Museum of Civilization and the Canadian War Museum. The Canadian Museum of Civilization, located in Hull, officially opened on 29 June 1989. It has a collection of more than 4 million artifacts, including the world's greatest collection of totem poles. The mandate of the Canadian Museum of Civilization Corporation is to promote Canada's cultural heritage and to make better known its various cultures, to foster mutual understanding among these many cultures and to make Canadians more aware of their military history.

389. The Canadian Museum of Civilization Corporation conducts research in the fields of archaeology, history, folk culture and ethnology. It brings the results to public attention through exhibitions, educational programmes, workshops, demonstrations, guided tours, the showing of films at CINEPLUS and the Theatre, lectures, multimedia presentations, electronic and print publications, the World Wide Web, the production of CD-ROMs, effective publicity and public relations campaigns, and special events.

Legislation protecting freedom of artistic creation and performance

390. In 1992, Parliament adopted the Status of the Artist Act. This Act states that the Government of Canada recognizes: (a) the importance of the contribution of artists to the cultural, social, economic and political enrichment of Canada; (b) the importance to Canadian society of conferring on artists a status that reflects their primary role in developing and enhancing Canada's artistic and cultural life, and in sustaining Canada's quality of life; (c) the role of the artist, in particular his/her ability to express the diverse nature of the Canadian way of life, and the individual and collective aspirations of Canadians; (d) that artistic creativity is the engine for the growth and prosperity of dynamic cultural industries in Canada; and (e) the importance of artists such that it compensates them for their works, including the public lending of such works.

391. It also states that Canada's policy on the professional status of the artist is based on: (a) the right of artists and producers to freedom of association and expression; (b) the right of associations representing artists to be recognized in law, and to promote the professional and socio-economic

interests of their members; (c) the right of artists to have access to advisory forums in which they may express their views on their status and on any other questions concerning them.

392. The Act provides for the establishment of a Canadian Council on the Status of the Artist to provide information and advice to the Minister of Canadian Heritage; to defend and promote the professional status of artists in Canada; to maintain close contacts with associations representing artists across Canada; and to propose measures to improve the material considerations of artists.

393. The Act also provides a legal framework for professional relations between self-employed artists and producers under federal jurisdiction. This framework relies on the establishment of the Canadian Artists and Producers Professional Relations Tribunal.

Right to enjoy the benefits of scientific progress and its application

(i) Institutional infrastructure

394. During this reporting period, the Government of Canada launched a comprehensive science and technology review to examine the challenges facing science and technology in Canada, and the opportunities for federal action. As a result of extensive public consultations and valuable input from other sources, the federal Government adopted a new science and technology strategy designed to produce a plan of action for securing Canada's future economic and social well-being. The implementation of the many changes and developments planned in this strategy are currently under way. Its main theme is partnerships with the private sector, academic institutions and other governments to build a stronger Canadian system of innovation to maintain or improve the quality of life, and to contribute to the advancement of science. It will provide a governance mechanism to realize a coherent set of policies, programmes and institutions that will maximize the value to Canada of its direct investment in science and technology. The strategy will require federal departments and agencies to report annually to Parliament on their science and technology expenditures, activities and priorities.

395. The need to deal effectively with the rapid changes of science and innovation, and to better manage science and technology expenditures and performance, led the federal Government to restructure some of its institutions in science. During this reporting period, the Department of Industry replaced the Department of Industry, Science and Technology. The new Department was given a broader mandate to help make Canada more competitive by fostering the growth of Canadian business; promoting a fair, efficient marketplace; and encouraging scientific research and technology diffusion. It is the main department responsible for policy development and implementation, namely, in industry and technology, trade and commerce, science, consumer affairs, corporations and corporate securities, competition and restraint of trade, bankruptcy, patents, copyrights, trademark, communications, investment, small business and tourism. The Communications Research Centre, as a principal federal research centre in telecommunications, has become an

instrument for creating competitiveness through new innovative research and development programmes, and through greater focus on the diffusion of new technologies and knowledge.

396. Since its creation in 1987, the National Advisory Board on Science and Technology has made many recommendations and provided new approaches and critical information regarding the structure of the Canadian science and technology establishment, its performance, constraints to improvements in that performance, and patterns in the allocation of national financial and human resources.

397. In 1996, the National Advisory Board on Science and Technology was replaced by the Advisory Council on Science and Technology to advise the Prime Minister and Cabinet on critical science, technology and innovation issues.

398. Although the Science Council of Canada ceased to exist in 1992, many other science research-oriented agencies, described in Canada's first report, remain in the new Industry Portfolio: the National Research Council; the Natural Sciences and Engineering Research Council (NSERC); the Social Sciences and Humanities Research Council.

399. In the Industry Portfolio, responsibility for regional programmes belongs to three regional agencies. The Federal Office of Regional Development (Quebec), known as FORD(Q), supports the development of the economic potential of the regions of Quebec and the creation of sustainable employment by fostering a business climate that enables small and medium-sized enterprises to grow and prosper. The Atlantic Canada Opportunities Agencies (ACOA) promotes economic development, coordinates the broader spectrum of federal government activities and provides a single point of contact to federal government programming for the small business sector in the four Atlantic provinces. The mandate of Western Economic Diversification Canada (WD) is to develop and diversify the western Canadian economy, coordinate federal economic development activities in the west and represent the western perspective in national decision-making. It addresses the needs of small and medium-sized enterprises by contributing to the creation of a positive business climate, improving access to capital and providing services across western Canada.

400. Other major players are also included in the new Industry Portfolio. The Business Development Bank of Canada promotes the creation and development of small and medium-sized enterprises in Canada. Its new mandate will give the Bank the tools to move in new directions and to tailor its products to meet the needs of small and medium-sized enterprises. The Bank provides specialized financing for commercially viable businesses, including term loans, venture loans and venture capital; and extensive business-management counselling, training and mentoring services. It also provides loans assistance, counselling and monitoring programmes for women entrepreneurs.

401. In June 1994, the Government gave the Canadian Space Agency a new mandate to coordinate all federal civil space activities, and announced a new Canadian space programme to advance the development and application of space science and technology to meet Canadian needs, and to stimulate the development of an internationally competitive space industry.

402. The Standards Council of Canada is a Crown corporation that promotes voluntary standardization as a means of advancing the national economy; protecting the health, safety and welfare of the public; protecting consumers; and facing domestic and international trade and cooperation. The Standards Council will be streamlined and given a mandate to play an expanded role in supporting national, economic and social objectives.

403. Statistics Canada is the core of Canada's socio-economic information system. It will begin designing a new information system for science and technology, and will enable Canada to compare its performance with other economies. Canadians will be able to learn about the effectiveness of the Government's initiatives to promote innovative activity, the diffusion of technology and the adoption of new ideas by all sectors of the Canadian economy.

404. As stated in Canada's first report, many other participants carry out research activities. Natural Resources Canada, which has replaced the Department of Energy, Mines and Resources, added forestry to its area of research. Agriculture and Agri-Food Canada (AAFC), Environment Canada, the Department of Fisheries and Oceans and Health Canada carry out research in their respective fields as does the Canada Mortgage and Housing Corporation. Atomic Energy of Canada continues to do basic and applied research in atomic energy for peaceful purposes. The Department of National Defence is also very involved in scientific research. The International Development Research Centre contributes to research on a variety of issues.

405. Agriculture and Agri-Food Canada's Research Branch introduces new technologies to improve production and preservation of agricultural and food products. The research centres work closely with private industry. They have always been very active in technology-transfer activities. Scientific progress made in the agriculture and agri-food industry has helped improve both the production and the quality of processed food and agricultural products, thereby benefiting Canadian consumers and helping the industry take advantage of new market opportunities abroad.

406. Since 1995, the department has set up a specialized, integrated national research network. AAFC currently has 18 research centres strategically located across Canada to serve a dynamic and highly diversified agricultural and agri-food sector. Agriculture and Agri-food Canada encourages innovation in private industry through its research and development (R & D) co-investment programme called the Matching Investment Initiative. This project was created in 1995 and promotes the establishment of R & D partnerships with private industry. The department allocated $21.6 million for this project in 1996/97.

(ii) Highlights of federal initiatives

407. With major contributions in areas such as telecommunications, robotics, medicine and environmental science, Canada remains an important player in scientific and technological innovation. To maintain its ability to compete in a rapidly changing, knowledge based, global economy, Canada is working towards creating a science and innovation culture that: fosters scientific research and seeks to apply the most recent technologies; ensures that young

Canadians keep up with the ever increasing pace of technological change; recognizes and encourages achievements in science, technology, engineering and mathematics.

408. The Networks of Centres of Excellence Program is an innovative approach to building partnerships between universities, industry and government to work together on problems of strategic importance to Canada. In Phase Two, the $197-million initiative funds 14 nationwide, multidisciplinary networks in areas ranging from biotechnology to telecommunications. Ten of the original Phase One networks were renewed on the recommendation of an arm's length peer review selection committee. Four new networks were chosen in 1995 by a peer review selection committee. The Networks of Centres of Excellence Program has produced significant discoveries and has fostered dynamic and productive university-industry collaboration, helping to accelerate technology development and application. Since 1991, the networks have established 27 start-up firms.

409. The Canada Scholarships Program established in 1988 to recognize and encourage outstanding students to pursue undergraduate degrees in the natural sciences, engineering and related disciplines was terminated in 1995; no new scholarship will be awarded, although existing scholarships are being honoured.

410. The federal Government continues to provide funding for science and technology awareness and promotion under the Science Culture Canada Program, and for major research projects with the Canadian Institute for Advanced Research. Funding for the type of research undertaken by the Royal Society of Canada is now being channelled through other institutions.

411. A National Science and Technology Week was designated to celebrate achievements in science, technology, engineering and mathematics. Every October, during 10 days, thousands of events are held across the country to give Canadians an opportunity to participate in related activities. Through the collaborative efforts of its various partners (such as federal, provincial and territorial governments; small, medium and large businesses; scientific, technological, engineering and mathematics associations, etc.), the week increases awareness of the far-reaching impact of science, technology, engineering and mathematics in Canadians' daily lives and on Canada's economic prosperity; it encourages youth to consider career opportunities in these fields; and it forges links between - and increases the visibility of - science and technology partners and stakeholders.

412. The NSERC (Natural Sciences and Engineering Council of Canada) is investing in five new Chairs for Women in Science and Engineering at Canadian universities. The Chairs will focus on increasing the application of women in science and engineering.

413. The rapid emergence of the Information Highway represents a unique and important opportunity for rural communities to experience much needed economic and social development. Access to the Information Highway provides these communities with the ability to easily communicate with each other, conduct business, or simply exchange information and ideas. The federal Government, in cooperation with all other levels of government, community interest groups

and the private sector, is working to ensure that the business and social benefits of the Information Highway will be available to all Canadians.

414. Canada's SchoolNet is a joint federal, provincial and territorial initiative linking schools and libraries across Canada to the Internet. This initiative provides Canadian educators, librarians and students with valuable electronic learning tools and services, and encourages the development of information-technology skills. By the end of 1998, SchoolNet will link all of Canada's schools, libraries, colleges and universities to the Internet.

415. To help provide rural communities affordable access to the Internet, as well as the skills to use it effectively, a national network of community access sites was established to create new and exciting opportunities for growth and jobs. Through a competitive process, managed by the Community Access Program, communities are being selected to establish and operate public access sites in low-cost public locations, such as schools and libraries, to serve as Information Highway "on ramps". The aim of the project is to encourage all 5,000 rural communities to get linked to the Information Highway and to establish at least 1,500 public access points across Canada by the end of 1998.

416. In addition, the Computers for Schools and Libraries Program was established to enable schools and libraries to have better access to computers and supporting software to allow them to take full advantage of the new information technologies. This programme brings educational institutions, communities, businesses and provincial and territorial governments together in channelling surplus computer equipment to Canadian elementary and secondary schools, and to libraries, free of cost.

417. Canada recognizes that strong skills in science, technology, engineering and mathematics are essential for both economic success and social well-being. In 1993, it launched a programme designed to honour some of Canada's most outstanding elementary and secondary school teachers: the Prime Minister's Awards for Teaching Excellence in Science, Technology and Mathematics. The programme honours up to 375 teachers and other educators who have had a major, proven impact on student performance and interest in science, technology and mathematics. Awards totalling $585,000 are being offered each year at the national, provincial, territorial and local levels. A total of 87 awards were granted in 1994.

(iii) Expenditures for scientific activities

418. Canada's global expenditures on research and development (GERD) amounted to $9,755,000,000 in 1990 and $12,015,000,000 in 1994; in proportion to the GDP, they increased from 1.46 per cent in 1990 to 1.61 per cent in 1994.

419. In 1994, the federal Government spent $5,748,000,000 on science and technology activities, without including federal research and development tax credits. About 58 per cent of science expenditures are spent on activities done by the federal Government itself. In addition, the federal Government funds scientific activities in business enterprises, higher education, provincial governments, private non-profit organizations and other Canadian and foreign organizations. Extramurally, the largest recipients of federal

government funds in 1994 are the higher-education sectors (17 per cent) and the business sector (16 per cent). The federal Government is the largest single funder and performer of research and development in Canada, and its research and development expenditure decisions can act as signals to the research and development community as a whole.

420. The federal Government provides income tax incentives to encourage businesses to carry out scientific research and experimental development in Canada. These income tax incentives are an integral component of the federal Government's efforts to stimulate industrial research and development. Businesses carrying on eligible research and development in Canada are allowed to deduct all their qualifying current and capital expenditures on research and development in the year that the expenditures are incurred, or carry them forward to any subsequent taxation year. In addition, most expenditures on scientific research and experimental development earn investment tax credits of 20 per cent or 35 per cent, which they can carry back to 3 years or carry forward 10 years. The higher rate is only available for smaller Canadian-controlled private corporations and, usually, this 35 per cent is fully refundable. The Conference Board of Canada recognized the Canadian tax credit system in a 1994 report as the most generous system among those of the industrialized nations.

421. In addition to the federal tax incentives noted above, many provincial governments provide their own tax-based incentives to encourage the performance of scientific research and experimental development. All provinces match the federal system of incentives in terms of the immediate deductibility of most current and capital expenditures on scientific research and experimental development. The provinces of Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario and Quebec provide their own income tax incentives or additional tax deductions, which supplement the federal tax incentives.

422. While industrial research and development have risen significantly over the past two decades, Canadian industry does not invest nearly as much as does the private sector in some other industrial countries. As mentioned in the previous report, this can be explained, in part, by the resource-based industrial structure of the Canadian economy, which needs to spend relatively little on research and development, and possibly by the level of foreign ownership in its manufacturing sector.

(iv) Technology transfer

423. The federal Government continues to administer many programmes and activities which directly or indirectly transfer technology from Government or universities to industry. The National Research Council's Program for Industry/Laboratory Projects has been superseded and incorporated into the Industrial Research Assistance Program. It is a cooperative programme with industry that collaborates with Government, universities and other private sector institutions which offer assistance in the identification, development and licensing of technologies to which government research staff can make a significant contribution.

424. Furthermore, Industry Canada is working with universities, with the assistance of the Canadian Institute for Advanced Research, to facilitate the transfer and commercialization of university research results. A part of this effort involves Trans-Forum, launched as a pilot in 1994. It is an Internet-based communication and information service, which links the industry liaison office at universities, colleges, centres of excellence, research hospitals and technical institutes across Canada. Under the direction of an advisory board composed of industry liaison officials, its purpose is to enhance technology transfer and diffusion from higher-education institutions to Canadian business, especially small and medium-sized enterprises, by making key information related to technology transfer and commercialization instantly accessible to industry liaison officials to improve their marketing efforts.

425. In addition, the Natural Sciences and Engineering Research Council's Technology Partnerships Program is a new approach to getting university research into the market place quickly. The financial resources provided by the Program will enable the university to carry out applied research and development to show the feasibility of a technology. The funding will give small and medium-size companies the capability to exploit the technology commercially and to create jobs for Canadians.

(v) Measures taken to promote the diffusion of information on scientific progress

426. As explained in Canada's first report, the freedom of information eases the diffusion of information on scientific progress that exists in Canada. Canadians can access information in this field from publications released by scientists and research institutions. They can also benefit from the information distributed by the communications media. The Government continues to encourage diffusion of information on scientific progress, and maintains its programmes and activities which were detailed in the first report and are only briefly recalled here.

427. The National Research Council maintains its Technical Information Service designed to address the needs of small and medium-size businesses that have limited research resources. As part of the Industrial Research Assistance Program, it deals with 11,000 firms a year, which involves 17,000 interactions and funds 3,500 projects.

428. The mission of the Canada Institute for Scientific and Technical Information (CISTI) - which is part of the National Research Council - is to ensure that Canadians have access to the world's scientific, technical, medical and related information, and to publish validated scientific and engineering research information for the benefit of the Canadian and international scientific and engineering communities. The Institute provides services in several areas, including reference and referral, online databases, current awareness and document delivery. In 1994, it entered new service areas, including publishing, Internet and consulting services. CISTI received about 500,000 requests for information in 1994/95. InfoAlert has replaced the Canadian Selective Distribution of Information Service, an electronic current awareness service.

429. Other institutions and sources include the Canada Mortgage and Housing Corporation, Department of Fisheries and Oceans, Environment Canada, the National Library of Canada, the National Museum of Canada, the National Museum of Natural Sciences, the National Museum of Science and Technology, Natural Resources Canada and Statistics Canada. The Canadian Broadcasting Corporation continues to diffuse scientific information through regular programmes on radio and television. The Museum of Civilization, described above in paragraphs 388-389, also contributes to diffuse information of scientific nature.

Protection of moral and material interests of authors

(i) Principal laws, etc.

430. The principal laws that protect the moral and material interests resulting from scientific, literary or artistic productions are: the Copyright Act, R.S., c. C-42; the Industrial Design Act, R.S., c. I-8; the Integrated Circuits Topography Act, R.S., c. I-14; the Patent Act, R.S., c. P-4; and the Trademarks Act, R.S., c. T-10, supplemented by Trademarks Regulations SOR/96-195, effective 16 April 1996.

431. The Government intends to proceed with further amendments to the Copyright Act designed to put in place legislation, which will strike a fair balance between the rights of creators to receive remuneration for use of their works and the needs of users to have reasonable access to these works. Among the proposed measures are: rights that will provide royalties to producers and performers of sound recordings; a levy on recordable, blank audio media, such as cassettes and tapes, to remunerate creators for private copying of their musical works; greater protection for exclusive distributors of books; the introduction of a statutory damages regime; the inclusion of a wide injunction covering a broader range of copyright protected material than the injunction normally available in cases of ongoing infringements; the inclusion of summary procedures which are faster and cheaper legal procedures; and the extension of the rental right given under the existing Act to authors of computer programs and producers of sound recordings to include performers of sound recordings and composers and lyricists of musical works.

432. In 1993, Bill C-88, the Societies of Composers, Authors and Music Publishers of Canada (SOCAN) bill, clarified the definition of "musical work", so that it was not only a work fixed by a musical score but a work fixed by any means in any medium. This bill allowed SOCAN to collect royalties for communication to the public of musical works on specialty and non-broadcast services (e.g. YTV and Much Music).

433. In 1993, the North American Free Trade Agreement implementation bill provided technical amendments allowing adherence to the 1971 Berne Convention. It also provided for a rental right for authors of computer programs and producers of sound recordings, and it increased border measures against pirated works.

434. In 1994, the GATT Agreement on Trade-related Aspects of Intellectual Property (TRIPS) implementation legislation provided national treatment for all treaty countries that are member countries of the World Trade Organization

and the Berne Convention. It also introduced some new elements into Canadian copyright law by providing protection for performers against unauthorized fixations or broadcasts of their live performances.

435. Canadian Intellectual Property Office (CIPO), a special operation agency within Industry Canada is charged with administering Canada's intellectual property system. Its responsibilities stem from federal legislation creating rights through patents, trademarks, copyrights, industrial designs and integrated topographies, and multilateral treaties and agreements. CIPO's core function is to confer or recognize exclusive ownership of intellectual property in exchange for it being made publicly available. In Canada, this entails granting patents and industrial designs and registering trademarks, copyrights and integrated circuit topographies, and distributing information found and developed by CIPO.

436. Canada has agreements that offer Canadians reciprocal rights in more than 120 countries, that is to say all industrialized nations and much of the developing world.

III. MEASURES ADOPTED BY THE GOVERNMENTS OF THE PROVINCES

A. British Columbia

437. This report contains information on developments in British Columbia since the submission of Canada's first and second reports on articles 6-15.

Article 6. Right to work

Right to work and to opportunity to work

438. See articles 3, 10 and 11 of British Columbia's contribution to Canada's fourth report under the Convention on the Elimination of All Forms of Discrimination against Women.

439. The Build B.C. Act (1993) facilitates expansion and diversification of the provincial economy, including initiatives to assist women, Aboriginal people, disabled people, visible minorities, youths and persons in receipt of social assistance, to obtain employment.

440. Amendments to the Hairdressers Act and Barbers Act in 1992/93 removed the requirement that they have medical certificates proving that they are free of contagious and infectious diseases, which potentially limited their employment.

441. The Industrial Adjustment Service brings employers and employees together through a jointly funded provincial-federal programme to address workplace changes caused by plant closures and expansions, economic fluctuations, technological developments and shifts in skill requirements, through human resource planning and development.

442. B.C. 21, Building Our Future is a comprehensive strategy to expand and diversify the British Columbia economy, which includes investment and job-creation programmes for British Columbians.

Technical and vocational guidance and training

443. In response to the Premier's Summit on Trade and Economic Opportunity in 1992, which identified skills and training deficiencies as a major obstacle to economic development in British Columbia, the Ministry of Skills, Training and Labour was created in September 1993 to begin the process of restructuring the post-secondary learning system. Announced in the spring of 1994 under the title of Skills Now, a comprehensive and integrated series of programmes was initiated.

444. Skills Now aims to develop programmes that are more accessible, relevant and affordable to both the client and government, and accountable through partnerships to achieve these goals.

445. Specific Skills Now initiatives help school boards and schools to develop an easier and more efficient transition for students into both post-secondary training and the workplace. These initiatives include providing career counselling and work experience to students before graduation; bridging programmes that allow students to begin apprenticeship instruction while still in high school and carry those credits with them when moving into apprenticeships or post-secondary programmes, and to carry credits from apprenticeship to technical programmes or degree programmes, and providing students with more practice in electronic information systems.

446. Other Skills Now programmes work to increase the capacity of post-secondary learning institutions; reduce barriers to entering institutions for groups who have historically been denied access; assist with the development of new relevant programmes; and provide incentives to institutions to develop innovative and cost-efficient delivery alternatives. To meet these goals, new technological equipment is provided to institutions; student spaces are being increased; skills are being developed to meet emerging labour-market demands; English language training programmes are being improved; First Nations students are given better access to training and education through partnerships and support networks; barriers for single parents, students with disabilities and women are being removed; and weekly allowances and grants to students are being increased and financial barriers to learning reduced. Amendments to the College and Institute Act and the University Act in 1992/93 authorize these institutions to grant associate degrees for the completion of two years of study.

447. Skills Now also works to provide training that is more community based and workplace based to ensure accessibility, affordability and relevance. Programmes include delivering employee training, which is cost-shared with groups of employers; training and retraining workers who are being laid off or who require new skills; partnering of post-secondary institutions with community service and workforce training groups; developing new apprenticeships based on labour-market demand and increasing access to groups that have traditionally been excluded from apprenticeships; providing access to training that meets community needs (particularly in remote communities undergoing significant economic and social transition) for business, labour, education providers and equity groups; and providing an avenue to business, labour and equity groups to advise government on the province's training needs.

448. Also under Skills Now, specific training, work experience and support programmes help individuals on income assistance to gain employment. Programmes include assessment counselling and referral, which actively involve income-assistance recipients in developing and achieving training goals through individual skills plans; workplace-based training, which contributes up to $10,000 to employers for every income-assistance recipient they train and employ; providing training for income-assistance recipients in post-secondary institutions on an individual or group basis; training that includes a combination of classroom and experiential learning; and specific programmes to help persons with disabilities to obtain training and employment.

Article 7. Right to just and favourable conditions of work

Fair wages and equal remuneration for work of equal value

449. An increase of the general minimum wage from $5.50 to $6.00 an hour came into effect on 1 April 1993.

450. For information on pay equity, see article 11 in British Columbia's contribution to Canada's fourth report under the Convention on the Elimination of All Forms of Discrimination against Women.

Safe and healthy working conditions

451. A new Labour Relations Code was enacted in 1992 to expand protection of workers. See article 22 in British Columbia's contribution to Canada's fourth report under the International Covenant on Civil and Political Rights.

452. The Employment Standards Act was amended to include provisions requiring advance notice of group termination and introduction of parental leave for both natural parents and persons who have adopted a child.

453. For information on the Pension Benefits Standard Act and changes in Worker's Compensation, see article 11 in British Columbia's contribution to Canada's fourth report under the Convention on the Elimination of All Forms of Discrimination against Women.

Equal opportunity to promotion

454. See article 7 in British Columbia's contribution to Canada's fourth report under the Convention on the Elimination of All Forms of Discrimination against Women.

Article 8. Trade union rights

455. See article 22 in British Columbia's contribution to Canada's fourth report under the International Covenant on Civil and Political Rights.

456. The amended University Act provides university faculties with freedom of choice to organize and participate in the collective-bargaining process.

457. There are 27 unions in British Columbia with a membership greater than 5,000. Over one third of all workers in the province belong to unions.

Article 9. Right to social security

458. In 1993/94, the Government budgeted $2.8 billion to provide social services to British Columbians. A total of $2.1 billion were spent on income assistance.

459. As of 31 March 1994, there were 353,482 people receiving income support in British Columbia. Income assistance includes a support allowance for families with children; support allowance for those receiving handicapped benefits; shelter allowance; comforts allowance; and school start-up allowance. Rates increased in 1993/94.

460. An Advisory Council on Income Assistance was established in July 1992 to make recommendations to Government on all major income-assistance policy changes. The Council identified four priority areas - rates, handicapped benefits/health services, employment and training and service delivery - in its report, submitted in February 1994, and recommended that rates be increased, income exemptions be more equitable, "handicapped" be redefined, age restrictions for receiving handicapped benefits and health services be removed, two community-based pilot projects be established to meet local training and employment needs, and values and quality of service be improved. These recommendations are currently under consideration for implementation.

461. A diet allowance of up to $20 a month may be provided to recipients with a medical condition that requires special nutrition. A comforts allowance of up to $82 is allotted to help meet the personal and recreational expenses of eligible people with assets of less than $500 who are living in a subsidized-care or personal-care facility. When a social-assistance recipient is without assets, income or other resources to meet an emergency, the Government may provide additional assistance in the form of a crisis grant.

462. The Program for Older Worker Adjustment provides income support for unemployed workers aged 55 to 64 who are victims of a major permanent layoff and who have few prospects for re-employment. The province contributes 30 per cent of the funds, the federal Government 70 per cent.

Article 10. Protection of the family, mothers and children

Protection and assistance for the family

463. See article 23 in British Columbia's contribution to Canada's fourth report under the International Covenant on Civil and Political Rights.

464. See articles 2, 3 and 16 in British Columbia's contribution to Canada's fourth report under the Convention on the Elimination of All Forms of Discrimination against Women.

465. The Government introduced the Assisted Adoption Program in March 1990. The Program provides financial assistance to families who would otherwise be unable to adopt children with special needs.

466. The Adoption Reunion Registry opened in October 1991 and on 1 January 1992, began active searches on behalf of adult adoptees and birth parents seeking reunion. In 1993/94, the Government commissioned an independent review of British Columbia's adoption legislation, policies and practices. A report containing recommendations was submitted to the provincial government in July 1994.

467. Every October, Foster Family Month recognizes the invaluable contributions that foster families make to the children of British Columbia. At three ceremonies held over the past five years, the Lieutenant-Governor's Foster Families' Awards have been presented to a number of families in recognition of outstanding contributions.

468. Family Support Services promote and maintain the integrity of the family unit through counselling, parent training, temporary shelter and rehabilitation resources to help British Columbian families function as independently as possible in their own communities. In 1992/93, the programme provided services costing $90.9 million.

469. On 19 March 1990, the Government opened the first Native Family and Children's Services Unit in Vancouver. In September 1993, the ministry created the office of the Deputy Superintendent of Aboriginal Services and the Aboriginal Services Division. Several protocols and agreements have been signed with Aboriginal bands and agencies, which delegate authority for child welfare programmes to those bands and agencies. Negotiations are under way with several other Aboriginal groups.

470. The Family Maintenance Program assists income-assistance recipients to obtain child support payments to which they are entitled. An additional 26 family maintenance workers were hired to help process almost 30,000 referrals to the Program.

471. Under the Social Assistance programme, families with dependent children may be eligible for a once-a-year school start-up allowance to help pay for back-to-school supplies. Camp fees are available for children of eligible income-assistance recipients and children with mental or physical disabilities, so they can attend recognized camps.

472. The Government contributed to an international conference on "Stronger Children, Stronger Families", held in Victoria in 1994, in recognition of the International Year of the Family.

Protection of mothers before and after childbirth

473. See article 6 in British Columbia's contribution to Canada's fourth report under the International Covenant on Civil and Political Rights.

474. A natal allowance of up to $25 per month may be granted to a social-assistance recipient who is pregnant or who has a child under the age of seven months.

475. Full or part subsidies to attend prenatal classes are available to parents requiring financial assistance.

476. Health unit liaison with all hospital obstetrics departments ensures that high-priority mothers/families are identified and arrangements are made for required support at home.

477. Baby's Best Chance: Parent Handbook on Pregnancy and Infant Care, is available free of charge to all expectant mothers residing in British Columbia, and the Baby's Best Chance video has been updated and translated into Cantonese, Spanish, Vietnamese and Punjabi, and is available through free loan.

Protection and assistance for children and young persons

478. See article 24 in British Columbia's contribution to Canada's fourth report under the International Covenant on Civil and Political Rights.

479. In 1991/92, a community panel was appointed by Government to review British Columbia's child protection legislation, the Family and Child Service Act. The panel submitted its report in the fall of 1992. As a result of the community panel's recommendations, new legislation, the Child, Family and Community Service Act, has been passed and its expected to be proclaimed in 1995. It will replace the current Family and Child Service Act. The principles of the new legislation establish the values for services to children and families. Protection of children continues to be the primary objective, and the new legislation clearly articulates the framework through which this should be achieved. There is a focus on family support, alternate dispute-resolution processes, recognition of children's views, and preservation of children's cultural and familial identity.

480. The Child and Youth Secretariat was established in response to the Ombudsman's Report on Public Services to Children, Youth and their Families in British Columbia: The Need for Integration. Nine ministries are represented on the Child and Youth Secretariat which works with local child and youth committees throughout the province to assist in coordinating services to children and youth.

481. The Government has provided start-up funds for the development of a provincial Youth in Care Network. The Network empowers youth in care and former youth in care to advocate for their interests, and enables them to have input into development of policies and programmes.

482. In 1994, the Government provided funding to help the Child and Youth Care Association of British Columbia to develop a voluntary certification programme for child and youth care counsellors.

Article 11. Right to an adequate standard of living

483. In January 1991, the Government funded a new School Meals Program to help children meet their daily nutritional requirements, and thereby ensure that children are healthy and have every opportunity to learn. During the first six months of the programme, the Government funded programmes in 124 elementary schools and 25 secondary schools in 31 districts in the province. About 40,000 students received school meals. Funding and the number of programmes have continued to increase.

484. A community kitchens programme provides sites and assistance where people, particularly the elderly, can cook together to prepare nutritious, low-cost meals.

485. Temporary assistance is provided to eligible people between 19 and 64, and their dependants, to help them with basic living expenses during times of need. The two components include a shelter allowance, which covers the family's actual shelter and utility costs (up to a maximum amount), and a support allowance for necessities such as food and clothing.

Right to housing

486. See article 2 in British Columbia's Contribution to Canada's fourth report under the Convention on the Elimination of All Forms of Discrimination against Women.

487. Services are contracted in hostels to provide short-term accommodation for transient single persons and couples without children. Government provides funding for registered non-profit societies to develop and operate emergency shelters, safe homes and transition houses for persons in need. These offer room and board in a safe and supportive environment for women and children in a crisis situation. Community living spaces are funded throughout the province for people with mental disabilities.

488. The mandate of British Columbia's Housing Ministry is to provide provincial leadership in the area of affordable housing, particularly to low- and moderate-income British Columbians needing assistance to secure affordable, adequate and suitable housing; to community organizations involved in the development and delivery of non-profit housing and housing for persons with special needs; to local governments working on affordable-housing strategies; and to the housing industry, all of whom have shown interest in following up on innovative affordable-housing initiatives.

489. The Shelter Aid for Elderly Renters (SAFER) Program provides direct cash assistance to senior citizens, aged 60 and over, on low to moderate incomes, who pay more than 30 per cent of their gross income on rent.

490. HOMES B.C., a new provincial housing programme initiated in 1993/94, replaces the cancelled federal-provincial Non-profit Housing Program that existed between 1986 and 1993. Working in partnership with B.C. 21, HOMES B.C. is expected to create about 4,000 jobs, provide affordable housing in communities across the province, and provide important training and apprenticeship opportunities for British Columbians.

491. The four components of HOMES B.C. include homeless/at-risk housing, non-profit housing, new options for home ownership, and community housing initiatives, which assist people who are homeless or have special needs, low-income families, and working households who can just manage to pay market rents. It also supports those who need help buying their first home, while opening up more social housing units for other low-income renters.

492. Two important legislative measures were undertaken in 1992/93: Bill 20 (May 1992), which directed local governments to include policies concerning

affordable housing, special needs housing and rental housing in their official community plans, and Bill 57 (July 1993), which provided additional housing-planning tools to local governments. A guide, entitled "Affordable Housing Builds Strong Communities", was distributed in 1992/93 to assist local governments in developing community-housing policies in keeping with Bill 20.

493. On 8 July 1994, Bill 31, which amended the Municipal Act, was enacted. Bill 31 further empowers local governments to manage their local land-use issues from a housing perspective, primarily by enabling local governments to enact standards of maintenance by-laws to protect renters from unsafe and unhealthy accommodation, and to allow local governments to lease residential land at below market-value rates to non-profit organizations.

Article 12. Right to physical and mental health

Highest attainable standard of physical and mental health

494. See article 12 in British Columbia's Contribution to Canada's fourth report under the Convention on the Elimination of All Forms of Discrimination against Women.

495. In 1992/93, the provincial government announced the New Directions for a Healthy British Columbia initiative. Introduced on 2 February 1993, it represents a fundamental shift from the traditional focus of the health care system on large health institutions, and the treatment of injury and disease after they have occurred, to an emphasis on keeping communities and their residents healthy by preventive medicine and healthy living. The principle component is the regionalization of health care - shifting management and delivery of health services from the Ministry of Health to Community Health Councils and Regional Health Boards, and coordinating the development of health policies for multicultural populations and persons living in poverty and a northern and rural health strategy.

496. In 1992/93, 13 ministry acts administered by the Ministry of Health were amended, and the new Medical and Health Care Services Act was passed to ease the transition of New Directions. Joint projects to integrate services among mental health centres, hospitals and other service providers were established in all regions.

497. In May 1991, a prevention resource centre which provides information on the prevention of drug and alcohol abuse, was established. In 1992/93, alcohol and drug programme services were expanded in the Fraser Valley region. School-based prevention workers provide a range of services to secondary schools to heighten awareness of alcohol and drug abuse, enhance life skills and promote healthy lifestyles. The Alcohol and Drug Programme (ADP) Clinical Committee began implementing recommendations of the Provincial Women's Committee to improve services for women. Services for "high-risk youth" and more services for women and children were developed in three of the five ADP regions.

498. A province-wide FOODSAFE Excellence certification programme came into effect in 1993/94. This voluntary programme is designed to encourage the food industry to adhere to food-safety standards through appropriate training and regular audits.

499. The Northern and Isolation Travel Program pays physicians up to 20 per cent more for the same services provided in an urban centre to ensure quality health care in rural and remote regions of the province. In 1992/93, 284 physicians in 74 communities were eligible for this allowance. The Program also provides funds to defray the costs of specialists travelling to isolated areas to provide services that would be otherwise unavailable. Travel assistance was provided in 1992/93 to 95 specialists for 404 visits to 18 communities.

500. Funding is provided to the Aboriginal Advisory Committee to enhance current services; to support family violence projects; and to develop new alcohol and other drug prevention and treatment projects and strategies. The Aboriginal Health Policy Branch was established in April 1993 to coordinate development of government health policy relative to Aboriginal peoples, and to support them in taking responsibility for decision-making on the design, management and funding of health services in their communities. Funding commitments were made in 1992/93 to the North Coast Tribal Council in Prince Rupert to develop a health education/information package for the local Aboriginal community and to the Ktunaza-Kinbasket Tribal Council for a community-based foetal alcohol syndrome intervention programme in Cranbrook.

501. Just under 100 per cent of British Columbians are registered with the Medical Services Plan (described in Canada's previous reports). Pharmacare reimburses pharmacies for prescriptions.

Reduction of stillbirth and infant mortality, and healthy development of the child

502. During 1993, there were 45,989 live births in British Columbia to residents of the province, resulting in 13.3 births per 1,000 population. Stillbirths totalled 290 in 1993, a rate of 6.3 per 1,000 live births. In the same year, there were 290 infant deaths or 5.5 per 1,000 live births. This rate was improved by approximately 35 per cent from 8.5 per 1,000 live births in 1993. Low birth-weight infants (under 2,500 grams) accounted for 44 per cent of infant death. The infant mortality rate for babies born to teenage mothers was 9.9 per 1,000 live births.

503. Government-funded pregnancy outreach projects support women at risk of a poor pregnancy outcome including low birth-weight. Materials such as "Thanks for Caring" brochures are distributed by pregnancy outreach programmes and local health units to heighten awareness of foetal alcohol syndrome.

504. The government participated in the Baby Friendly Network to promote breastfeeding, and to promote and distribute Canada's new Food Guide to Healthy Eating. The government is working to strengthen community support for breastfeeding.

505. Parenting programmes, in particular "Nobody's Perfect", are being provided through 121 agencies in British Columbia.

506. Public health nursing home visits are available to all mothers/infants/families with highest priority given to mothers who are breastfeeding, mothers requesting service, and others identified as priority by hospital staff and liaison public health nurses.

507. In 1992/93, a new Office for Injury Prevention was established to address the prevention of injuries to children and youth aged 0 to 24.

Improved environmental and industrial hygiene

508. In 1992/93, over 600 drinking-water systems were tested for chemical contamination, and a four-year evaluation of surface-water quality was completed. The Safe Drinking Water Regulation came into effect in 1992/93, applying to all public "waterworks" systems in the province. Medical health officers will be working with water purveyors to assist them in addressing any unsafe drinking-water conditions.

509. Government coordinated an effort to evaluate well-water quality in the Fraser Valley. Community involvement was encouraged. Where problems have been identified, local health units are working to improve the situation. Also assessed: the health impact of asbestos in Port Hardy drinking water, of pulp emissions on indoor air quality within abutting construction-camp living quarters, and of arsenic levels in the air of homes in Wells.

510. In 1992/93, Radiation Protection Services developed a new system of accreditation for x-ray facilities in hospitals and clinics.

Prevention, treatment and control of diseases

511. The British Columbia Centre for Disease Control is the centre of expertise in communicable disease control and provides specialty health-support services.

512. In 1991/92, immunization levels for diphtheria, pertussis, tetanus and polio were increased and immunization levels for measles, mumps and rubella were maintained at a 95 per cent standard for all school-age children. During 1992/93, public health nurses immunized nearly 95 per cent of Grade 6 children province-wide against hepatitis B. A haemophilias B immunization programme was also initiated, beginning with infants two months of age. There were 320,000 doses of influenza vaccine distributed to 65 per cent of the seniors' target group. Increased hepatitis B vaccines were provided to at-risk groups.

513. During 1991/92, a study of Lyme Disease was initiated to determine its prevalence, and to investigate the management of persons who might be infected.

514. A programme for intravenous drug users to reduce the transmission of diseases such as AIDS and hepatitis B was expanded in Kelowna, Quesnel, Williams Lake and Prince George. Over 50 community-based AIDS education projects are funded by government.

515. Activities during 1991/92 reduced the annual incidence of tuberculosis by 6.4 per cent. In 1992/93, 35,857 clinic visits were conducted and 335 cases of tuberculosis were reported. Thirteen surveys were done in 10 regions and 6 clinics were set up on reserves. Forty-five additional clinics were conducted in 20 locations around the province.

Article 13. Right to education

Right to education

(i) To fully develop human personality and sense of its dignity

516. Three goals have been identified for every student in the school system: intellectual development; human and social development; career development

517. The Learning for Living curriculum, now part of a personal planning programme, has been designed to encourage students to value and respect themselves and others, to learn to make responsible decisions and to strive for a healthy, balanced life. The main content includes careers, child abuse prevention, family life education, healthy living, mental well-being, safety and accident prevention, and substance-abuse prevention.

518. The British Columbia School Act was amended in 1993 and includes a mission statement for British Columbia schools that states: "The purpose of the British Columbia school system is to enable all learners to develop their individual potential, and to acquire the knowledge, skills and attitudes needed to contribute to a healthy, democratic and pluralistic society, and a prosperous and sustainable economy."

(ii) To strengthen respect for human rights and fundamental freedoms

519. The Education Advisory Council established in 1989 works to ensure that provincial education policy and practice are sensitive to the needs of the community, and reflect input from educators and the public.

520. School districts implement school programmes, which focus on the needs of individual students and reflect equity issues in learning and instruction. Schools and the government address the learning needs of girls, visible minorities, Aboriginal students and students with special needs in all subjects. All provincial curriculum materials are written and reviewed for equity and inclusiveness.

(iii) To enable all persons to participate effectively in a free society

521. To increase the relevance of education, school curricula include global, environmental, science, technology and media education.

522. English as a Second Language (ESL) instruction is available to all British Columbian students whose mother tongue is not English and enrolment in these classes has nearly tripled over the last five years. It is estimated that the demand for ESL will continue to increase.

523. Government policy promotes the inclusion of students with special needs in their local schools, and schools, parents, community agencies and government are working towards this goal.

524. The Personal Planning curriculum is designed to have students set learning goals, develop plans to achieve them, and study topics that promote career and personal development. Career education includes a variety of programmes, ranging from traditional vocational programmes such as autobody and accounting to training in emerging fields such as computer graphics and video production. In Grades 11 and 12, all students must take Career and Personal Planning, which requires students to develop a learning plan, gain work experience, and do some course work in personal and career development. British Columbia's major skills-training plan, Skills Now, links schools more closely to the workplace through partnerships with the business community, labour groups and educational institutions, colleges, universities and technical schools.

(iv) To promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the maintenance of peace

525. Language and culture programmes help ensure that students who are members of minority groups enjoy the same benefits as other students, and they encourage all students to value the cultural and linguistic richness of our society. Instruction is offered in various heritage languages, including European, Asian, Aboriginal and Middle Eastern languages.

526. Government policy supports the integration of multicultural and anti-racism education, which promotes understanding and respect for cultural diversity, in all school programmes. All students learn about the contributions and experiences of diverse cultures, including First Nations people, and are provided with learning opportunities that support their cultural identity and the development of positive self-esteem. School curricula and learning resources are reviewed to ensure that they are not biased. Conflict Resolution programmes are provided in schools and communities and, by June 1993, half of the school districts and over 2,500 educators had been involved in anti-violence projects and Program against Racism workshops.

527. Grants are made available under the Native Language and Culture Curriculum Initiative to Aboriginal groups to work with school districts in developing local and relevant Aboriginal-language and cultural-awareness programmes. In 1993, at its annual meeting, the College of British Columbia Teachers amended its bylaws to allow certification of First Nations language teachers.

528. British Columbian teachers may participate in one-month summer-school programmes that introduce them to Asian cultures and in language-upgrading courses in those countries. They may also attend Asian language courses at provincial universities. Teachers from Japan can spend up to 18 months teaching in British Columbia as part of an exchange programme.

529. British Columbian students can participate in short-term language and culture study tours in Asia, particularly Thailand, Japan and Hong Kong. Certain students are selected to complete a year of study in Asia. A number of British Columbia students study Japanese and Mandarin. This number has almost tripled in the last five years. Grade 11 students entering a two-year programme at a United World College in Canada, Italy, Wales or Hong Kong receive scholarships averaging $17,250 each. A number of International Education programmes receive funding to support projects that enhance academic, cultural and economic links between British Columbia and the world community.

530. Three-quarters of the graduates surveyed in 1993 felt that ethnic diversity benefits our society and said that they like working with students from other ethnic or cultural groups. Half of the graduates identified racial discrimination as a serious problem for secondary students.

Right to primary and secondary education

531. The British Columbia school system recognizes the growing diversity of the British Columbia population and designs programmes to meet the needs of all students, including those who face particular challenges because of geographical, physical, intellectual, emotional or social factors. New immigrants make up 10 per cent of the British Columbia population. Nine per cent of British Columbian children under 15 are of Aboriginal ancestry and include members of 33 distinct First Nations.

532. Many students speak languages other than English at home. Thousands of students study heritage or foreign languages, both within and outside the school system. Also, a number of students are enrolled in French Immersion programmes. A new language policy requires that four years of second-language training be mandatory in grades 5-8; ensures that provincial examinations are provided in several European and Asian language courses; establishes a process whereby parents wanting a specific language taught in their schools can approach their school board and, if sufficient numbers exist, a new language instruction curriculum can be developed in partnership with the community; and provides more opportunities for First Nations parents to have their languages taught in schools.

533. To reduce the drop-out rate and in recognition of the different needs of students, programmes, including Stay-in-School initiatives, provide alternatives for students who require a more flexible approach to learning, such as teen parents, students at risk of dropping out, and those who need remedial instruction or are returning to school to complete Grade 12.

534. Distance education is available to public and non-public school students. Improved access to distance education has resulted in a doubling of distance-education course enrolments over the past five years. A Community Learning Network electronically links schools throughout the province to ensure that rural students are connected and have equal access to knowledge.

535. The Inner City Schools Program funds projects to help students cope with poverty, hunger, neglect and difficult family situations, and includes violence prevention, peer mediation and programmes to encourage racial acceptance among students.

536. Special-education support is available to all students with special needs, including gifted students and students with learning disabilities or behaviour disorders. This support includes community-based pilot projects to explore better ways of delivering child mental health services; the provision of direct nursing care to students requiring specialized assistance; child care services for students between the ages of 10 and 14; and occupational therapy and physiotherapy services for students with severe multiple disabilities and support for educators working with these students.

537. Eight Special Education Technology (SET-B.C.) centres help school districts identify ways to use technology to improve access to regular classroom instruction for students with physical disabilities. The Provincial Resource Centre for the Visually Impaired provides support to students with visual disabilities, including learning materials on cassette to students who cannot use print material effectively. The government ensures that students with visual impairments can write provincial examinations by providing large print, Braille or audio versions of exams.

538. Provincial Resource programmes are located in treatment centres, youth custody centres or hospitals operated by other ministries. Other centres provide educational services to students with severe physical or intellectual disabilities or other special needs that their school districts cannot provide.

539. In 1992/93, the government provided $2.8 million to modify classrooms and school facilities for students with disabilities. The government provides additional funding to small or remote districts to ensure that students in these districts have access to the same opportunities as other students in the province. Transportation to schools is available to students. A number of remote districts receive funding to provide accommodation to students who must live away from home to attend school.

540. An increasing number of school districts are working in partnership with Aboriginal communities to find ways to make education more accessible to Aboriginal students. Local education agreements between schools boards and First Nations bands help to ensure that status, on-reserve First Nations people are partners in their children's education, and that their culture and language are reflected in education programmes. Aboriginal students receive support services and may undertake one or more Native Education programmes, including Native Cultural Awareness, Native Language and Native Alternative Education programmes.

541. Approximately 20 per cent of the provincial budget is spent on public elementary and secondary education in British Columbia. Funding has steadily increased over the last five years.

Right to higher education

542. Operating grants, which include funding over 100,000 full-time student spaces, are provided to universities, colleges and institutes. In 1993/94, universities conferred 10,594 Bachelor degrees, 1,970 Masters degrees and 411 Doctoral degrees.

543. Women account for more of the full-time enrolment at universities, colleges and institutes than men. Women continue to occupy many more part-time student spaces at university. The government continues to expand access to on-campus child care at universities, colleges and institutes.

544. Appointments of new members to boards of public post-secondary institutions in the province have diversified. Of 233 persons on college and institute boards in British Columbia in 1992/93, 48 per cent are women, nearly 10 per cent Aboriginal, more than 7 per cent visible minorities and about 3 per cent persons with disabilities.

545. The number of students qualifying for British Columbia Student Assistance, and the value of loans and grants awarded, continues to rise. This assistance includes funding for specially designated groups, such as persons with disabilities. The total value of loans in 1993/94 was $74.4 million. There were 22,500 students who benefited from these loans.

546. The government grants loan remissions to students who graduate in a timely, satisfactory manner if their debt is greater than amounts considered manageable for the level of education attained: $13,500 after a first degree or $17,500 after a second degree.

547. At universities, colleges and institutes, student societies receive funds to provide emergency assistance to students as required.

548. A new University of Northern British Columbia was established in Prince George which will provide better access to post-secondary education for regional communities.

Fellowships and teaching conditions of staff

549. The top Grade 12 student in each college region receives a scholarship of $5,000 to study at a public post-secondary institution in British Columbia.

550. During their first two years of post-secondary education, students may receive non-repayable grants. Adult students studying Grades 11 and 12 at colleges and planning post-secondary studies may receive non-repayable grants of up to $1,000 each. To promote literacy education, adults studying Grades 1-8 at post-secondary institutions do not pay tuition.

551. Post-secondary students studying part-time may receive grants for tuition and book supplies. Students enrolled in adult education courses (academic upgrading, English language training, employment-oriented programmes and Adult Special Ed) may receive financial assistance for tuition, books and

day care. While pursuing a post-secondary education, persons with disabilities may receive financial assistance to help defray extraordinary costs.

552. Universities, colleges and institutes receive work funds to provide on-campus, part-time, career-related work experience for students in financial need.

553. Other funds, awards, scholarships and assistance programmes are available to students who require financial assistance to attend post-secondary institutions.

554. The Public Education Labour Relations Act, passed in 1994, legislates province-wide collective bargaining for teachers to ensure consistency of teacher negotiations in all school districts. Teachers are paid well above the national average income. Salaries have increased at a greater rate than inflation. Most teachers are female; most administrators are male. However, this uneven distribution is improving.

Liberty to choose schools

555. An increasing number of students receive their schooling from independent schools or at home. Most of the nearly 300 independent schools in British Columbia are affiliated with religious denominations. The remainder are based on the British public school model, follow a particular education philosophy or cater to out-of-province students. Funding is provided to a maximum of 50 per cent, dependent on the school programme. Independent schools are regulated by the Independent School Act, which sets basic requirements for schools, including statistical information that they must provide to the province. The Act covers classification, evaluation and funding of independent schools, and certification requirements for teachers. Independent schools must meet local and regional by-laws and regulations, and cannot promote racism, religious intolerance or anti-social activities. All are regularly inspected and monitored by the government.

556. Under the School Act, students who receive home schooling must be registered with a public, independent or regional correspondence school. The school system assists these students and their families by providing learning materials, and evaluation and assessment services.

557. The public can request that local school boards establish public schools of their own choice, provided the schools follow established curricula and meet other requirements of public schools.

Article 15. Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of authors' interests

558. See articles 2 and 27 in British Columbia's Contribution to Canada's fourth report under the International Covenant on Civil and Political Rights.

559. The Government of British Columbia funds a number of programmes that create opportunities for science and technology to generate social and

economic benefits for British Columbians. The total government science- and technology-related expenditures exceeded $100 million in 1993/94.

560. The Ministry of Employment and Investment's Science and Technology Division plays a lead role in this area and funds specific programmes in research and development, infrastructure, human resources development and public awareness. This funding provides support for the Science Council of British Columbia, other research organizations, technology-development transfer, scholarships, fellowships and financial-assistance programmes. The Science Council is a provincial agency with a 15-member volunteer board, funded by the government to promote economic development and enhance the quality of life through innovative applications of science and technology.

561. In 1989, to raise public awareness of science and technology, the government declared "Science and Technology Week". This annual event sees science-related agencies and industries teaming up to sponsor events and activities that encourage public participation, including broadcasts, lectures, open houses and displays.

562. Multiculturalism British Columbia in 1991/92 supported the British Columbia Association of Broadcasters' media campaign, "If You Don't Stop Racism, Who Will?". The branch provides advice on multicultural programming to television, radio broadcasters and newspapers.

B. Alberta

Introduction

563. Alberta's contributions to the previous reports provided information on legislation, practices and policies that gave effect to the provisions of the Covenant. The present report updates that information since the last report.

564. Alberta will provide more effective legal remedies for social and economic rights with plans to add additional grounds in 1996 to the province's human rights legislation: source of income and family status. With the inclusion of family status in human rights legislation, families will be protected from discrimination in the enumerated areas, e.g. tenancy, employment and services.

565. In Alberta, the in-house counsel for the Human Rights Commission provides legal representation to individuals who have been discriminated against under the human rights legislation. In addition, a person with a Charter or human rights complaint may apply for legal aid.

Article 6. Right to work

Principal laws

566. Since 1990, Alberta Aboriginal Affairs has provided approximately $927,000 to Aboriginal organizations and communities to support employment and training opportunities. Aboriginal organizations and communities are also eligible for grants, programmes and services available through other provincial departments.

567. Two examples of initiatives supported by Aboriginal Affairs are the Peace Arch Communities Committee and Wehtumaw Business Assistance Ltd.

(a) The Peace Arch Communities Committee is a partnership of industry, the federal and Alberta Governments, and the "back lakes" communities. The initiative is commonly known as the Peace Arch Project. The goal of the Project is to enhance employment, training and business opportunities for Aboriginal people in the Peace Arch area. The Peace Arch Project includes the Métis settlements of Gift Lake and Peavine; the First Nations of Whitefish Lake, Loon River, Woodland Cree and Lubicon Lake; and the communities of Peerless Lake, Trout Lake and Red Earth. Aboriginal Affairs provided support for the costs of the communities' participation in the Project;

(b) In November 1993, Apeetogosan (Métis) Development Inc. established a subsidiary, Wehtumaw Business Assistance Ltd., to provide professional business-advisory services to the Alberta Aboriginal business community. Initial funding for the first year of operations was supported by Aboriginal Affairs, Alberta Economic Development and Tourism, and Aboriginal Business Canada. Wehtumaw Business Assistance prepares business plans and provides business-related advice to Aboriginal entrepreneurs in Alberta.

568. The Employment Standards Code, 1988, replaced the Employment Standards Act, 1980. This did not result in substantive changes in regard to the right to work. Coverage for domestics was increased in 1988 to include entitlements to vacation pay and a day of rest each week. Previously, domestic workers were entitled only to recovery of wages, notice of termination and parental benefits.

Technical and vocational guidance

569. Alberta Advanced Education and Career Development provides labour-market information and career-planning assistance through a province-wide network of Career Development and Labour Market Information Centres. These offer a variety of consulting services, including self-directed career planning; individualized counselling; and referrals to counselling, education, training and employment programmes. In addition, a large number of publications have been developed to assist individuals with career planning and job-search techniques, and general information and extensive research on a broad range of vocations. A Career Information Hotline has also been set up to provide province-wide telephone access to career and training information. Services are available to all Albertans. Emphasis is placed on serving individuals who face significant barriers to employment such as individuals with disabilities and welfare recipients.

Employment and training programmes

570. Alberta Advanced Education and Career Development provides a variety of employment and training programmes designed to enhance the opportunities for individuals to obtain meaningful full-time employment. For example; the Summer Temporary Employment Program (STEP) is designed to provide students with summer employment and an opportunity to gain valued work experience. This is intended to help them find work at the completion of their studies. The Vocational Rehabilitation of Disabled Persons (VRDP) programme is designed

to assist persons with mental or physical handicaps to participate in regular institutional training and to progress on to work situations by providing equipment and other resources as needed. Other individuals facing special barriers to employment (such as Natives or those over the age of 45) are supported through funding of community organizations. These organizations are responsible for offering job-search and placement services. Labour market adjustment services are available in communities, offering employers or employee groups displaced by a changing economy help with placement or retraining. Finally, employers are also encouraged to increase investments in training, which will keep workers skilled and employed.

Policies and techniques

571. The Government of Alberta has recently co-located the services of Alberta Family and Social Services (FSS), Human Resource Development Canada (HRD) and Alberta Advanced Education and Career Development (AECD). This is intended to provide a single venue for access to both provincial and federal employment and income-support services. Four sites are already delivering co-located services (for FSS and AECD only), and another four sites are at the proposal stage (again for FSS and AECD only). In addition, two sites are already fully co-located with all three partners. Discussions are under way to establish an additional four sites. Policy changes that allow for the co-location of services will reduce overlap and duplication and will ensure better and more affordable services to Albertans.

572. Integrated training centres for both social-allowance recipients facing significant barriers to employment and for youth having difficulty in making the transition between school to work, are two new techniques or strategies being piloted by Alberta Advanced Education and Career Development in cooperation with Alberta Family and Social Services and Human Resource Development Canada. These centres focus on integrating a variety of training approaches, including integrating academic upgrading and life-skills management with specific occupational skilled training to assist individuals to obtain and maintain meaningful full-time employment. The Integrated Training centres are modelled after the Community Employment and Training (CAT) centres first established in San José, California.

Article 7. Right to just and favourable conditions of work

573. The Occupational Health and Safety Act establishes standards for the protection and promotion of workers' health and safety. It outlines the rights and responsibilities of employers, principal contractors, workers and suppliers. Regulations respecting the health and safety of workers cover the following subjects: chemical hazards; explosives; first aid; general safety; joint work-site health and safety committees; noise; mine safety; ventilation. Other legislation that provides for the safe and healthy working conditions includes the Radiation Protection Act.

574. When the Employment Standards Code was introduced in 1988, several amendments were made, including the following:

(a) Employees became entitled to a half hour paid or unpaid rest during each shift greater than five consecutive hours of work, with some exceptions;

(b) Employees were provided with an entitlement to at least three weeks of paid vacation after five years' employment;

(c) Entitlement to written termination of employment or pay in lieu was increased beyond the previous two-week maximum. Length of notice or pay is dependent on length of employment and ranges from at least one week, if employed between three months and 2 years, to at least 8 weeks, if employed 10 years or longer. Employees are also required to give notice of termination, although there is no financial penalty if notice is not provided;

(d) Provisions for liability of directors of corporate employers were added, similar to the civil provisions in the Business Corporations Act. This provides better protection for employees through an additional mechanism to determine director liability for wages;

(e) Provisions were added to strengthen the ability to protect employee wages and entitlements from other creditors, up to $7,500 per employee.

575. The Individual's Rights Protection Act in Alberta offers the protection of equal pay for males and females employed in similar or substantially similar work in the same establishment. Women and men are protected from discrimination because of gender in the employment sections 6 and 7 of the Act.

576. Section 11.1 of the Act permits exceptions in situations that may be reasonable and justifiable such as in the case of a bona fide occupational requirement. This allows employers to set requirements or preferences for employees (normally prohibited under the Act), which conform to proven, job-related, safety standards.

Article 8. Trade union rights

Measures taken to alleviate poverty

577. The Individual's Rights Protection Act ensures that no trade union shall exclude any person from membership, expel or suspend any member, or discriminate against any person because of enumerated grounds.

Article 9. Right to social security

578. Alberta provides assistance to persons in need through programmes administered by the Department of Family and Social Services. Employment and training programmes to attain self-sufficiency are delivered jointly between the Department of Family and Social Services and the Department of Advanced

Education and Career Development. These programmes compliment a number of federal programmes (such as financial assistance for seniors and tax transfers for families with children and the disabled).

579. The Supports for Independence programmes provides financial assistance to all persons in need, including single parents and their children who can also access medical, optical and dental services. Employment and training programmes are also available to single parents, as well as day care subsidies to offset the extra costs of working. The best way for a single mother to more adequately meet her children's needs is through work. Most efforts are placed on facilitating the transition to independence. In Alberta, government assistance is also available to ensure and enforce maintenance payments of the absent parent to the custodial parent and his/her children.

580. The benefits provided by welfare are based on the costs of basic needs up to a maximum regulated amount. Supplementary and in-kind benefits, such as medical, optical and dental services, are provided and are individualized according to need. The "poverty lines" used by the National Council of Welfare are statistical measures based on a percentage of gross income spent on food, clothing and shelter on average. They do not reflect individual needs for medical and other supplementary in-kind benefits, and do not reflect taxes and other transfers. Therefore, no direct consideration is given to these "poverty lines" in establishing benefits.

Survivors' benefits

581. The Widows' Pension Act, which was passed in 1983, provides financial benefits and access to medical services to widows and widowers between the ages of 55 and 64 who have limited incomes. The Widows' Pension Regulation was changed in 1994 to provide for a shelter portion. The maximum annual amount of the shelter portion of a widow's pension is $650 for a home owner, $1,000 for a mobile home owner on rented land and $1,200 for a renter. This change resulted from the changes to similar programmes for seniors.

Supports for Independence

582. Alberta Family and Social Services provides benefits for people who are in financial need through the Supports for Independence (SFI) programme under the Social Development Act. This is a means-tested programme, which assists persons and families who have exhausted all other resources, and are not able to meet the basic requirements necessary for health and well-being.

583. SFI provides additional support for persons with high needs while actively encouraging those able to work to participate in employment and training. It also provides transitional support for persons temporarily unable to work and a supplement for those who are working, but not making enough money to look after their families' needs. SFI benefits are based on need.

584. There are four subprogrammes under SFI:

(a) Supplement to Earnings: clients who are employed but require an income supplement are in this category. They are expected to keep the job they have, try to find a better one with a higher wage, and to become as self-sufficient as possible;

(b) Employment and Training Support: clients in this subprogramme are unemployed, actively seeking employment or participating in training or work-experience programmes;

(c) Transitional Support: this subprogramme is for clients who are in circumstances that prevent them from seeking employment or participating in training. These circumstances may include caring for an infant under six months old, medical and handicap conditions that may improve in the future, awaiting medical and handicap-assessment outcomes, and other barriers to employment which may be reduced in severity over time;

(d) Assured Support: This subprogramme is for clients who have undergone a detailed assessment of their employment potential and have evidence that they will probably never be able to work full-time continuously in the normal labour force. This subprogramme provides a higher benefit rate.

585. Benefits are available for children in families that are eligible for SFI under any of the above subprogrammes.

586. Standard and supplementary SFI benefits are provided to youths 16 and 17 years old who are legally married and whose financial circumstances meet the programme's eligibility criteria.

587. Other youths 16 and 17 years old may receive SFI benefits, as a last resort, after investigations by Child Welfare. When it has been proven that the youths are not in need of protective services and upon recommendations from Child Welfare, the youths may receive SFI benefits. Other requirements for eligibility include consent letters from parents and full-time school attendance or active job-search on the part of the youths. Recipients in this group are allowed a lower standard allowance appropriate for their age groups, and are generally under the protection of a guardian, or living in a room and board setting.

588. When a child is living with a care giver because his/her parents are unable or unwilling to provide proper care, the Child In Need (CIN) programme provides financial benefits to the care giver for the support of the child. Shelter benefits are not issued when the care giver is also a relative of the child. Relative is defined as grandparent, uncle, aunt, niece, nephew, sibling, in-law, step parent, and any such relation as created by adoption.

589. SFI recipients also receive non-cash benefits - Alberta Health Care coverage, dental services, prescription drugs, eyeglasses, ambulance and funeral expenses.

590. Through the Skills Development Program administered by the Students Finance Board of Alberta Advanced Education and Career Development,

financially disadvantaged adults receive benefits, which enable them to access the level of education and training needed to achieve independence through employment. To be eligible for assistance, applicants must generally be Alberta residents 18 years of age or older, out of secondary school for at least 12 months, unemployed, unskilled and labour-market destined. In addition, students must be in full-time, approved programmes of basic, foundation skills or short-term skills training. To maintain benefits, they must attend school regularly and receive passing grades.

591. Benefit levels are based on a demonstrated financial need. Students are expected to share in the cost of their education, and to assume greater responsibility for the costs through the use of loans as their employability and income-earning potential increases. Thus, all students are expected to contribute to the cost of their education through minimum savings. In addition, while students in upgrading programmes will receive grants rather than loans, students in post-secondary programmes will received a combination of loans and grants.

Seniors benefits

592. The Senior Citizens Benefits Act, which was passed in 1975 and was administered by Alberta Family and Social Services, was repealed and replaced by the Seniors Benefit Act administered by Alberta Community Development. Four programmes, Property Tax Reduction, Renters' Assistance Plan, Assured Income Plan and Exemption from Health Care Payments, have been combined into one programme.

Article 10. Protection of the family, mothers and children

Protection of the family

593. The Premier's Council in Support of Alberta Families was established by ministerial order in 1990 to advise the Government on how its policies, programmes and services may affect family life in Alberta. It was established in recognition of the fact that families are the foundation of our lives and the cornerstone of our society. Strengthening and supporting families is essential to the well-being of our province.

594. Recognizing that many of its programmes, policies and laws play an important part in the lives of individual citizens and families, the Government of Alberta has declared that families should be considered in everything that is done by government. The Premier's Council in Support of Alberta Families provides a focus within government for this concern about families.

595. The Premier's Council in Support of Alberta Families has prepared an Inventory of Government Programs Affecting Families in Alberta, which provides basic information on all relevant programmes.

596. 1994 was the International Year of the Family (IYF), and the Premier's Council in Support of Alberta Families worked with formal and informal groups and communities across the province to encourage activities that would

support and strengthen family life. Over 1,000 IYF events involving over 35,000 volunteers and over 4.2 million participants were registered in a province of only 2.5 million residents.

597. Alberta's Parentage and Maintenance Act was proclaimed in force on 1 January 1991. It replaced provisions of the Maintenance and Recovery Act. Among the changes that it made to the previous legislation was the elimination of the distinction between legitimate and illegitimate children. It also eliminated restrictive time limits on the commencement of affiliation and maintenance proceedings involving a child of unmarried parents. Reference to a father's ability to provide for his "legitimate" children as a determining factor in maintenance for his "illegitimate" children was removed. Also, the financial obligation of a father of an "illegitimate" child now does not terminate upon the remarriage of the child's mother.

598. The Employment Standards Code Amendment Act - May 1994 did not change the basic provisions of the Act. The amendments empowered the Director to hire experts, charge fees for cost-recovery and expand the employee-complaint mechanism.

599. The Maintenance Enforcement Amendment Act - June 1994 strengthened enforcement power by allowing garnishment of joint accounts and withholding of motor vehicle licenses.

600. The Workers Compensation Board Policy, effective on 1 January 1995, allows all family members of proprietors and husband-wife partnerships to be automatically eligible for workers' compensation protection when performing ongoing and integral work for the business.

601. The Individual's Rights Protection Act protects against discrimination on the grounds of marital status in the areas of employment and membership. Marital status includes the status of being married, divorced, single, or in a common-law relationship with a member of the opposite sex.

Maternity protection

602. When the Employment Standards Code was introduced in 1988, the maternity leave provisions were extended to also provide for adoption leave to either parent of not more than eight weeks without pay when adopting a child under the age of three years, providing the employee has been employed for at least 12 months. The maternity and adoption leave benefits were renamed under the Code and are now known as Parental Benefits.

603. Section 38 (2) of the Individual's Rights Protection Act states as follows:

> "Whenever this Act protects a person from being adversely dealt with on the basis of gender, the protection includes, without limitation, protection of a female from being adversely dealt with on the basis of pregnancy."

604. Gender and pregnancy are protected grounds in the areas of notices, signs and other representations, accommodation, services, facilities, tenancy, employment and membership in trade unions, employers' organizations and occupational associations.

Protection of children and young persons

605. The Social Care Facilities Licensing Amendment Act - December 1994 allows private babysitters to provide care for up to six children under 12 years of age in a private home without a licence. This includes the babysitter's own children. Private babysitters are not allowed to provide care for more than three children under the age of two.

606. The Child Welfare Act authorizes the government to intervene through the courts where a child's survival, security or development is at risk. It provides legislative authority for adoption, private guardianship and handicapped children's services agreements.

Article 11. Right to an adequate standard of living

General and specific measures to achieve an adequate standard of living and a continuous improvement of people's living conditions

607. In November 1990, the Métis Betterment Act was repealed, and four new statutes were proclaimed: the Métis Settlements Act; the Métis Settlements Land Protection Act; the Métis Settlements Accord Implementation Act; the Constitution of Alberta Amendment Act, 1990. These Acts, along with Letters Patent granting ownership of the Settlement areas to the Métis Settlements General Council, establish structures and systems for Settlement governance, provide for security of the land base and contain a 17-year, $310 million financial contribution to support the operations of Settlement governments.

608. The Alberta Seniors Benefit Act provides income support in the form of a cash benefit for Alberta seniors with lower incomes. It also fully or partially exempts low- and middle-income seniors from paying health care insurance premiums. The Alberta Seniors Benefit is an income-tested programme.

609. The Assured Income for the Severely Handicapped Act provides a pension benefit to persons who are 18 and over and suffering a severe handicap, as defined in the Act, and who meet the criteria set out in the Act.

Right to adequate food

610. The mission for the Department of Agriculture, Food and Rural Development is to ensure the existence of policies and services that support the sustainable growth and development of a market-driven agriculture and food industry.

611. The Department identifies its goals as follows: (i) to improve the industry's ability to access and respond to domestic and world market opportunities; (ii) to increase the industry's ability to diversify and add value to the commodities it produces and the products it manufactures;

(iii) to develop information and technology that improves industry competitiveness; (iv) to ensure that the industry has access to needed technology, knowledge and skills; (v) to strengthen the industry's capability to manage risk and uncertainty; (vi) to ensure responsible stewardship of soil and water resources used by the industry; (vii) to ensure that public lands, which are the responsibility of the Ministry, are managed for the long-term benefit of the industry and the public; (viii) to manage the Ministry's financial and human resources and legislated responsibilities efficiently and effectively for the benefit of the industry and the public.

612. Food banks are operated by charitable organizations. In 1995, Calgary Food Banks served about 100,000 users. In Edmonton, the number of persons using food banks is about 15,500 a month. About half of the users are children. There are 70 food banks in Alberta.

Right to housing

(i) Measures for the expansion of housing construction particularly for low-income families

613. Alberta Municipal Affairs, through the Cross-disability Advisory Committee, has developed a policy to ensure that the needs of persons with disabilities are not overlooked.

614. Changes to the Alberta Building Code increase the number of adapted units required for public housing projects to a level of at least 10 per cent for most projects.

615. Changes to the Alberta Building Code set standards for the adaptation of buildings and require that units of less than four storeys are accessible on the first storey.

616. Alberta has been a supporter for Habitat for Humanity projects. Financial contribution and other forms of assistance have been provided to the Alberta chapter.

(ii) Discrimination in housing

617. In Alberta, some accommodation such as apartments and condominiums are designated for adults only. These are not available for people with children. However, there are ample supplies of other housing, including apartments, which are available for people with children.

618. Discrimination in housing against people on social assistance is not condoned by law, although it is known that some instances of discrimination by individual landlords do occur. In Alberta, housing is available in a range of prices and rents to suit different income groups. There is also subsidized housing in many municipalities for low-income families.

619. As for discrimination against people who are indebted, the issue is more related to a landlord's concern about renters paying rent on time. Landlords often require and check references for this purpose. The issue at hand is not discrimination but maximization of the ability to collect rent.

620. Alberta Family and Social Services is working with Municipal Affairs to address discrimination in housing against people on social assistance.

621. Concern over the possibility of discrimination against people with children and, in particular, single parents, has lead to the inclusion of "family status" as a ground of discrimination in Alberta's human rights legislation.

622. "Source of income" has also been added as a new ground of discrimination to prevent discrimination against people on social assistance.

(iii) Homelessness

623. No recent estimates are available on the number of people who are homeless in Alberta. An estimate for 1986, prepared by the Edmonton Coalition on Homelessness, showed that between 2,375 and 4,750 Albertans were homeless. Another estimate by the same organization showed that there were more than 1,500 sheltered homeless in Edmonton.

624. The Supports for Independence programme, as previously described, provides basic benefits to all persons in need. There are temporary shelter programmes funded by the provincial government. Non-profit groups like the Salvation Army, Catholic Social Services and the Bissell Centre receive funding from the provincial and municipal governments, and provide shelters for transients and the homeless.

625. Homeless persons can receive social assistance. They may arrange to pick up benefit cheques at a shelter or at a welfare office. Supplementary benefits, including health care, are also available.

(iv) Security of tenure

626. Family and Social Services has no information on the number of people who are evicted from their homes. Tenants are protected under the Residential Tenancies Act.

627. Under section 4.1 of the Residential Tenancies Act, a landlord may only terminate a periodic tenancy for one or more of the prescribed reasons set out in regulation. Under Alberta Regulation 229/92, Residential Tenancies Ministerial Regulation, the landlord may terminate only where the landlord or relative of the landlord intends to occupy the residential premises, the landlord has agreed to sell the residential premises, the premises are to be demolished or are subject to major renovations, or the landlord intends to change the use of the premises to a non-residential purpose. It appears that landlords in Alberta are not generally able to evict without reason, so long as required notice is provided.

(v) Waiting lists

628. Information provided to Family and Social Services indicates that waiting lists for subsidized housing have declined substantially since 1994. At present, there is a surplus of two bedroom and three bedroom subsidized housing units in Edmonton, and the waiting list for other subsidized units is

about 200 in Edmonton. Most of these are for one bedroom units. In Calgary, there are about 950 families on the waiting list for subsidized housing.

Article 12. Right to physical and mental health

Principal laws to promote and safeguard the right of everyone to enjoy the highest attainable standard of physical and mental health

629. Prior to 1991, clients receiving support services through the Alberta Home Care Program had to be 65 years of age or over, or be over 18 with a physical handicap and residing in a designated facility. In 1991, the Coordinated Home Care Program Regulations under the Public Health Act were changed to provide services to anyone based on a needs assessment regardless of age, place of residence or physical handicap.

630. In December 1991, the Operation of Approved Hospitals Regulation under the Hospitals Act was repealed. This removed a requirement for a second physician to be consulted prior to a woman receiving an abortion.

631. The Mental Health Act was proclaimed in force on 1 January 1990. It sets out processes that must be followed for a person to be admitted to and detained in a designated psychiatric facility as an involuntary patient. Patients have the right to be informed of the reasons for their detention and the right to appeal to an independent review panel. An independent Mental Health Patient Advocate is set up through legislation to administer the Act on behalf of certified patients.

632. The Public Health Act was amended in 1996 to allow for better access to health services in sparsely populated areas and particular inner-city clinics. The legislation was amended to allow registered nurses, with ministerial approval, to provide health services currently restricted to physicians under the Medical Profession Act. Plans to use registered nurses in this way would have to be submitted by the regional health authorities.

633. Other initiatives include the Personal Directives Act, 1996, which allows an individual to appoint an agent to make decisions on the individual's behalf regarding personal matters such as health care, place of residence and legal affairs, when the person is incapable of doing so. It also allows for an individual to provide instructions in anticipation of future periods of incapacity. This legislation has yet to be proclaimed into force.

634. Regulation under the Alberta Health Care Insurance Act was changed to eliminate the charging of facility fees in association with the provision of insured services at a non-hospital surgical facility.

635. The Provincial Health Council was formed to monitor and report on health system performance. Its first task was a review of existing appeal mechanisms available. It proposes the establishment of an independent ombudsman.

Schemes and programmes to prevent, treat and control epidemics and diseases

636. On 25 August 1993, a public health bulletin was issued recommending testing for HIV/AIDS for persons receiving blood transfusions or blood products between January 1978 and November 1985.

637. On 22 November 1993, a public health bulletin was reissued recommending testing for HIV/AIDS for persons receiving blood transfusions or blood products between January 1978 and November 1989.

638. On 23 June a public health bulletin was reissued recommending testing for HIV/AIDS for persons receiving blood transfusions or blood products between January 1978 and November 1985.

639. On 1 October 1990, the Alberta Program for the Early Detection of Breast Cancer was introduced. The goal of the programme is to reduce breast cancer mortality by 30 per cent within 15 years.

640. On 14 June 1990, the Prevent Tuberculosis Project was launched. Aimed at eliminating tuberculosis by the year 2010, the programme is delivered by public health units and health centres across the province, and focuses on the supervision of twice-weekly preventive treatment for tuberculosis patients.

641. On 26 April 1990, a province-wide immunization awareness campaign was implemented. It aimed at informing parents of the benefits of immunization and the dangers of communicable diseases. The campaign included a direct-mail package to 85,000 households, television advertising, posters and brochures.

642. On 1 April 1990, two-year projects began in Edmonton and Calgary for the prevention of HIV transmission among and by injecting drug users. These programmes included education, referral for treatment, provision of condoms, and syringe and needle exchange, as necessary.

643. On 1 April 1990, in cooperation with Alberta Education, an AIDS Resource Kit was developed and provided to elementary schools, community AIDS organizations, health units and libraries. The kit contains resources to assist teachers, health professionals and parents to give age-appropriate HIV/AIDS information to elementary school children.

644. On 16 February 1990, the multimedia campaign FACING AIDS was launched. A series of 13, two-minute television news features giving clear, direct, factual AIDS health information was produced. The campaign dealt with the issues, and focused on respect for self and the value of human life. Print-media advertising support for the television news features appeared throughout the province in Alberta's weekly and daily newspapers.

645. On 1 January 1990, the pneumococcal vaccine was introduced as a component of the Provincial Immunization Program.

646. On 1 January 1990, the Haemophilus influenzae type b (Hib) meningitis infant vaccination programme was introduced.

Measures to promote environmental and industrial hygiene

647. In 1989, Alberta introduced regulations under the Occupational Health and Safety Act that implemented the Workplace Hazardous Materials Information System (WHMIS), a Canada-wide hazard-communication system. The system provides information on hazardous materials by setting requirements for labelling, provision of material-safety data sheets and worker training. The objective of WHMIS is to solve problems caused by unlabelled or inadequately labelled hazardous materials, as well as by the lack of adequate hazard and precautionary information about such materials.

Article 13. Right to education

Right to primary education

648. A new Alberta School Act passed in 1988 is based on four principles. The first is that "... the best educational interests of the student are the paramount considerations in the exercise of any authority under this Act," and the second is that "... parents have a right and a responsibility to make decisions respecting the education of their children;". Section 3 of the Act gives a right to access to education for students who, on 1 September in a year, are 6 years of age or younger than 19 years of age. Alberta also provides for a kindergarten programme on a voluntary basis for children one year younger than school age.

649. Section 29 provides that students with special education needs by virtue of the student's behavioural, communicational, intellectual, learning or physical characteristics are entitled to have access to a special programme. This includes the gifted.

650. Alberta Education has developed guidelines and funding mechanisms to assist school jurisdictions to provide school buildings that are barrier free.

651. Alberta Education has developed supports (including in-service workshops and kits) for the placement of special needs students in integrated settings that best meet their needs.

652. Increasingly, Native peoples within Alberta have been moving towards greater self-government in areas such as education and advanced education. The Premier supports the principle of self-government and is working with Alberta First Nations Chiefs to establish a formal process of communications through which further negotiations can take place between the two levels of government. The value of education has been fully recognized within Native communities as a means to reduce the high levels of poverty, dependency and abuse which currently exist. Correspondingly, there has been a substantial increase in full and part-time enrolment across the university, college and vocational college sectors in Alberta. To improve the graduation rate of Native students, a number of institutions provide special support services such as counselling, housing, day care, tutorials, etc. Post-secondary institutions have also entered into a number of flexible cooperative arrangements with Native governments to provide programmes/courses directly in Native communities through brokering, distance education and other innovative means.

653. The School Amendment Act - May 1994 allows the province to assume full funding responsibility to eliminate inequality of educational opportunity caused by regional fiscal inequity. The Act also provides for the establishment of charter schools (see paragraph 656 below).

654. Since 1990, Alberta Aboriginal Affairs has provided approximately $265,000 to Aboriginal organizations and communities to support initiatives in the area of education. These activities have ranged from field trips for Aboriginal students from remote communities to conferences on Aboriginal education to literary programmes. These grants are in addition to those available from other provincial departments and agencies.

Right to higher education

655. During 1993 and the earlier part of 1994, the Department of Education engaged the public and interested groups in a broad consultative exercise to determine future goals and strategies for adult learning. The four goals identified for Alberta's adult learning system were: affordability; accessibility; responsiveness; accountability. The new goals identified along with the strategies developed to achieve these goals should have the effect of making adult learning more accessible to all types and levels of learners. As well, it is expected that learners will become better informed about the choices available to them, thereby maximizing the value and relevance of any programme of study they enter.

Right to choice of school

656. Parents may choose from a fully funded public system that has two dimensions - public and Roman Catholic or Protestant separate schools - from private schools, or home education. A recent amendment to the School Act provides for the establishment of publicly funded charter schools. Home education programmes must be under the supervision of a public or separate school board, or an accredited private school. Accredited private schools, some of which are religiously oriented, are entitled to some funding from the Department of Education.

Article 15. Right to take part in cultural life, and to enjoy the benefits of scientific progress and the protection of authors' interests

Right to take part in cultural life

657. The Alberta Multiculturalism Act, 1990, states its objectives as follows: (a) to encourage respect for the multicultural heritage of Alberta; (b) to promote an awareness and understanding of the multicultural heritage of Alberta; (c) to foster an environment in which all Albertans can participate in and contribute to the cultural, social, economic and political life of Alberta; (d) to encourage all sectors of Alberta's society to provide access to services and equality of opportunity. To fulfil these objectives, the Alberta Multiculturalism Commission undertakes various projects with community and business stakeholders. In addition, the Commission provides funding for heritage-language instruction.

658. From 1990 to 1994, the government of Alberta provided a total of approximately $20 million annually for historical resource development. This included operational funding for a network of 18 provincial museums, interpretive centres and historic sites which presented a wide range of information on various cultural and settlement groups, archaeology and natural sciences. This also involved heritage-resource protection across Alberta employing institutional and legal mechanisms. Technical and financial support were also made available to other specialized provincial heritage organizations, as well as hundreds of local community groups and individuals wishing to research, interpret or restore significant heritage resources. Activity highlights include the opening of the Reynolds-Alberta Museum and the Remington-Alberta Carriage Centre, which explore the early technological developments of our peoples, as well as the Fort George/Buckingham House Provincial Historic Site, which portrays the early fur trade and associated cultures. The government of Alberta has also been technically and financially involved with "The Dinosaur World Tour", a multiparty $20 million exhibition of dinosaurian materials from Canada and China that is supposed to tour internationally until the end of the century.

659. The network of provincial museums, historic sites, interpretive centres and archives has taken measures to assist visitors with disabilities.

660. The ministries responsible for tourism, parks and recreation are committed to ensuring barrier-free design standards, as per the Alberta Building Code, in all new facilities, and improving barrier-free design standards in existing facilities.

661. The Alberta Foundation for the Arts Act, 1991, established the Foundation with a mandate: to support and contribute to the development of and to promote the arts in Alberta, to provide persons and organizations with the opportunity to participate in the arts in Alberta; to foster and promote the enjoyment of works of art by Alberta artists; to collect, preserve and display works of art by Alberta artists; to encourage artists resident in Alberta in their work.

662. During the fiscal year 1993/94, $16.1 million in funding were provided through lotteries to support the performing, visual, literary and film/video arts, and cultural industries and libraries. Support is also provided through the Arts and Cultural Industries Branch for the development of programming for media literacy.

663. Alberta institutions of higher learning have developed intellectual-property policies and procedures to ensure that the results of scientific research reside in the public domain, thereby benefiting society as a whole. However, such intellectual-property provisions also include royalty provisions to ensure appropriate rewards and incentives for the creators of artistic works.

664. Alberta universities, under the terms of the Universities Act, are legislated to undertake both teaching and research, both of which contribute to the conservation, development and diffusion of science and culture. The results of university research reside in the public domain.

665. Alberta university faculty enjoy academic freedom arising from the provisions of tenure, as well as a collegial governance structure, which vests decisions on academic matters in the authority of the collectivity of academic staff.

666. The Individual's Rights Protection Act and the Alberta Human Rights Commission work to promote the equal participation of all citizens in the culture and society of Alberta. This is done through public education programmes presented to schools, businesses, hospitals and a wide range of interested groups. Public education to address discrimination continues during the complaint filing, investigation and resolution of disputes process at the Commission.

C. Saskatchewan

667. The following will update, to October 1994, the information contained in Canada's Second Report.

Article 6. Right to work

668. The Saskatchewan Department of Education, Training and Employment is responsible for maximizing employment opportunities and meeting labour market needs through provincial training activity.

669. A complete range of skill-training programmes is offered through the four campuses of the Saskatchewan Institute of Applied Science and Technology as well as numerous regional colleges. Private schools offer additional vocational programmes. In secondary schools, technical and vocational training is offered from Grades 7-12.

670. The Apprenticeship and Trade Certification Act and Regulations govern the activities of the provincial Apprenticeship and Trade Certification Unit, which, in addition to its general programmes, has several initiatives to increase the participation of women, Aboriginal people and visible minorities in apprenticeship training.

671. The Vocational Rehabilitation of Disabled Persons (VRDP) programme is a federal-provincial cost-shared programme administered by the province. The purpose of VRDP is to assist persons with disabilities in gaining employment. It funds disability-related services, tuition, books and training allowances for eligible students.

672. The Saskatchewan Skills Development Program is jointly administered by Saskatchewan Education, Training and Employment and the New Careers Corporation. The Program provides academic and skill-training opportunities for employable social-assistance recipients. This includes academic upgrading, high school completion, community-based skills training, technical/vocational and work-experience programmes.

673. The Saskatchewan Skills Extension Program funds technical/vocational skills training programmes for people in rural and northern communities, and small urban centres.

674. The Saskatchewan Partnerships Program provides grants to employers to hire students who are enrolled in or will be pursuing post-secondary education during the spring and summer months.

675. The Non-sponsored Adult Basic Education Program provides funding for the course costs for Adult Basic Education students who are not eligible for sponsorship from another source.

676. The Future Skills programme is a provincial government initiative in partnership with individuals, industry, communities and public training institutions. Future Skills provides funding to support employment training given the current needs of Saskatchewan's recovering economy. Unemployed workers and social-assistance recipients have priority for on-the-job and job-skills training. The Industry Skills component of Future Skills allows employers, industry and public training institutions to meet industry needs for skilled workers. The Community Skills component allows community organizations and institutions to develop and deliver programmes leading to employment for target groups, such as Indian and Métis peoples, women, disabled people and visible minorities. Funding is also available for school divisions to support transition-to-work programmes for secondary students. The Response Skills component is to increase capacity to meet retraining needs, particularly for part-time students, and to develop new programmes for new technology.

677. The Saskatchewan Human Rights Code was amended in July 1993 to include protection against discrimination on three new grounds - sexual orientation, family status and receipt of public assistance. Section 16 of the Code makes it illegal to discriminate on these grounds in all employment areas from recruitment and hiring to promotion and dismissal. Section 9 protects the right to engage in occupations. Section 17 protects the right to membership in professional and trade associations. Section 18 applies specifically to trade unions.

678. The Saskatchewan Human Rights Commission has recognized that women, Aboriginal people, people with disabilities, and visible minorities are particularly disadvantaged in employment in Saskatchewan. The Commission has designated these as target groups in employment equity programmes. There were 18 approved plans by the end of 1993. Six new plans were approved in 1994 for a total of 24.

679. There have also been amendments to The Labour Standards Act. The Act requires minimum notice of lay-off and termination of employment, or pay in lieu of notice. The length of the notice is based on the length of service of the employee and was increased in amendments made in 1994. The termination of the employment of pregnant workers is prohibited, as is the termination of employees who report on any activity that is or may be unlawful. Employment cannot be terminated because employees' wages are garnisheed, or attached for debts or maintenance. Employees are entitled to a leave of absence to run for elected office.

680. The Occupational Health and Safety Act was also amended. It prohibits discrimination against a worker for exercising any rights under the Act, and permits an Occupational Health Officer to require the employer to reinstate

the worker with full pay and benefits. The Act also prohibits workplace harassment on sexual, racial and other grounds. This prohibition is enforced like other occupational health and safety matters.

Article 7. Right to just and favourable conditions of work

681. The principal method for fixing wages in Saskatchewan is through individual agreements between employers and employees. In 1994, the rate of unionization in the non-agricultural workforce was 31.2 per cent. Women represented 48 per cent of union membership.

682. The Labour Standards Act requires the minimum wage to be set by the Minimum Wage Board. In 1985, the rate was set at $4.50 per hour. The hourly rate was increased to $4.75 and $5.00 in 1990, and to $5.35 in 1992. Minimum wage applies to all employees, regardless of age or sex, except workers employed in farming, ranching or market gardening. The law is enforced by the Labour Standards Branch of the Department of Labour without cost to the employee.

683. The number of employees earning minimum wage is difficult to determine. The latest available data (1990) from Statistics Canada indicated that there were between 25,600 and 36,400 persons who worked at one or more minimum wage jobs in 1990 - between 7 per cent and 9.5 per cent of the paid workforce.

684. Women are more likely to be minimum wage earners than men. Ten per cent of female employees work at minimum-wage jobs compared to 7 per cent of male employees. Sixty-three per cent of minimum wage earners are under the age of 25, with the majority of this group being younger than 20. Sixty-four per cent of minimum-wage earners are single. Forty-six per cent of minimum-wage earners are students for one or more months in the year.

685. The purchasing power of minimum wage declined every year from 1981 to 1989. The increase to $4.75 in 1990 halted the decline, and recent increases have kept the purchasing power of a minimum-wage income near the level it was in 1989. In 1992, a full-time minimum-wage earner earned approximately 50 per cent more income than the amount paid to the average social assistance recipient in Saskatchewan and approximately the same amount as the average unemployment insurance recipient.

686. The Labour Standards Act prohibits employers from paying female employees a rate of pay that is less than the rate paid to male employees performing similar work. The provisions are enforced by the Labour Standards Branch of the Department of Labour, who can refer the complaint to the Saskatchewan Human Rights Commission for a formal inquiry into the matter.

687. The Labour Standards Amendment Act, 1994, required that employees be given 8 hours off work in each 24 hour period. Employees who work 6 hours or more in one day must be given a 30-minute meal break after 5 hours of work. Employers are required to reimburse employees for any monetary loss suffered by the employee as a result of a cancellation or postponement of annual holidays, and public holiday pay is now required to be paid, where the day falls on an employee's regular day off work.

688. The following table shows the types and numbers of claims made to the Saskatchewan Workers' Compensation Board in selected years:

	1983	1988	1993
Fatal	24	21	24
Time Loss	12,182	12,265	9,564
No Time Loss	16,309	9,075	15,672

Article 8. Trade union rights

689. The Trade Union Act has been amended since Canada's last report. It continues to protect and enhance collective bargaining in the province. The Act prohibits discrimination in hiring, tenure of employment or terms or conditions of employment based on the exercise of rights under the Act. Arbitration of collective-bargaining disputes, including terminations, is provided for.

690. Arbitration of terminations is now required where no collective agreement is in existence but where the employees have selected a trade union to act as their bargaining agent. Trade unions are required to fairly represent employees in all termination grievances and arbitrations.

691. The Construction Industry Labour Relations Act reintroduced provincial bargaining in the construction sector. The Act initially appeared in 1979 but was repealed in 1983/84. The Act requires construction employers in each trade division to bargain through a representative employer association with the trade union certified to represent employees in that trade. The Act requires that strikes and lock-outs in the construction industry take place on a provincial basis among all employers in the trade division.

Article 9. Right to social security

692. The Family Income Plan, administered by the Department of Social Services, provides financial benefits to Saskatchewan families with dependent children under the age of 18 whose income and assets are below prescribed levels. Since July 1993, maximum benefits are $105 per child, per month, for the first three children in the family and $95 per month for the fourth and subsequent children. Maximum benefits are available to families whose income is equal to, or less than, $725 per month. Benefits are reduced by $1 for each $2 of additional income above $725 per month. Applicants are allowed assets of up to $150,000.

693. The Department of Social Services continues to administer the Saskatchewan Assistance Plan, as detailed in previous reports.

694. Saskatchewan residents receive comprehensive health coverage and medical care insurance coverage for a wide range of health promotion, community-based prevention services, as well as diagnostic, treatment, and institutional and continuing care services. No premiums are levied for this coverage. Financing of medical, hospital and other health benefits is provided through provincial tax revenues and federal government contributions.

695. The Supplementary Health Benefits Program, administered under The Medical Care Insurance Supplementary Provisions Act, provides health-cost protection for non-insured services to social assistance recipients, wards of the government, inmates of correctional institutions, and residents of special care facilities whose income is at or below the Saskatchewan income plan level. Individuals eligible for coverage under this Program are nominated by the Department of Social Services under provisions of the Saskatchewan Assistance Plan. Services covered under the Supplementary Health Benefits Program include certain medical and dental services, prescription drugs, medical supplies and appliances, optometric and optical services, and transportation costs.

Article 10. Protection of the family, mothers and children

696. Seven government departments and secretariats worked together to develop a proposal for a comprehensive, interagency policy framework for integrating policy and programme development for children. The initiative, which got under way in June 1993, exists to encourage partnerships among all levels of government, private organizations and community groups, for the purpose of providing programmes and services to address the needs of all children, but particularly those at risk of any form of abuse or neglect. More details on the Action Plan for Children can be found in Canada's report under the International Covenant on Civil and Political Rights.

697. In 1994, the government established the Saskatchewan Council on Children to advise government, and especially ministers, participating in the Child Action Plan on priorities for improving the well-being of children. The Council, consisting of 25 volunteers, each appointed for one year, reflects a broad spectrum of children's interests.

698. As noted above, "family status" has been added as a prohibited ground of discrimination in The Saskatchewan Human Rights Code. Between July 1993 and December 1994 (inclusive), the Commission received 15 complaints on the basis of family status. These complaints involved employment (8), housing (5), public services (1) and education (1).

699. In 1994/95, the government made available $4.4 million for new initiatives targeted towards children. Some of these funds are available, through Prevention and Support grants, to communities to support their efforts to enhance the well-being of children and families.

700. Saskatchewan Assistance Plan policy has been amended to allow single parents who so choose to remain at home to care for their children under six years of age. In two-parent families, one parent may choose to remain at home. In addition, the first child of a single parent family now receives the adult rate of basic allowance, or board and room.

701. In 1994, the Department of Social Services implemented a province-wide Family-centred Case Management Model for the delivery of services to children in need of protection. The Model recognizes that the family is central to the child's best interests and, because it cannot be replaced, every effort should be made to strengthen and empower families, where it is safe to do so. The approach used by the Model is wherever desirable and reasonably possible to

invest time and resources in ensuring that children receive appropriate care and treatment in their own homes by working with family members to treat and strengthen the family unit.

702. Also in 1994, The Ombudsman Act was amended to permit creation of a Children's Advocate for Saskatchewan. The Advocate will protect the interests of children and youth receiving services from the government, and to ensure that the services provided are appropriate. The Advocate will report to the Legislature to remain independent of any government department or minister.

Article 11. Right to an adequate standard of living

Right to adequate food

703. In November 1993, the Department of Agriculture and Food completed its strategic plan. The strategy for the provincial agriculture sector has three main components: (i) to provide the opportunity for farm families to manage their land, better control their future, and be economically successful; (ii) to diversify the agriculture and food sector, and add value to our agricultural production; and (iii) to promote production, marketing, research, education and training institutions that contribute to the development of family farms, diversification and value-added production.

704. An Extension Research Unit has been established to enhance the transfer of information from the research level to farmers. This unit develops and improves equipment and transfers information to producers to increase production efficiency.

705. The Marketing Development Branch identifies and evaluates potential markets for existing and new products, encourages diversification and value-added opportunities beyond the farmgate and provides agrifood business with marketing and business services and strategies.

706. The Agricultural Credit Corporation of Saskatchewan has been given a broader mandate to deal with the loan problems of individual farmers, resulting in many of those clients being able to continue their farm operations.

707. The Farm Stress Unit assists farm families suffering from financial and personal crises. The Unit has established a province-wide directory of services available to farm families.

708. The Farm Business Management Information Network has brought together over 2,000 Saskatchewan farmers to obtain and exchange information through a computer network.

Article 12. Right to physical and mental health

Provincial health reform

709. The mandate of the Department of Health is to provide leadership and vision for the health system to protect and improve the health of Saskatchewan people. The Department, in a variety of partnerships, carries out this

mandate by establishing policy direction, setting standards, providing services and funding, and supporting district health boards and other health-related organizations.

710. In 1992, Saskatchewan initiated major health reform using a wellness approach based on three key principles: increased community involvement and control over the health system; improved coordination and integration of health services to provide a more responsive and efficient health system; and increased emphasis on disease and accident prevention, healthy lifestyles, community-based programmes, service effectiveness and public policies.

711. The first stage of health reform - structural reform - involved the formation of a new governance structure, new and amended legislation, changes in funding of health services, and the creation of 30 district health boards with initial responsibility for managing and providing acute care, long-term care, ambulance and home care services. District health boards will also assume responsibility for public health, mental health and addiction services to residents of all ages in their districts.

712. The second stage of health reform is reform of service, programme and delivery methods.

Health promotion and community health prevention services

713. Public health legislation is intended to foster community health by establishing an administrative framework for delivering community health and health-promotion programmes, and by regulating activities that affect community health. It extends to such matters as water supplies and sewage disposal, the sale of food, the abatement of health hazards, the reporting of communicable diseases, the control of epidemics, and the licensing of commercial and community activities that affect public health.

714. The Public Health Act, 1994 replaced The Public Health Act, The Venereal Disease Prevention Act and certain provisions in The Health Services Act. The Act contemplates that the principal responsibility for delivering community health programmes will rest with district health boards rather than municipal governments, as was the case under the old legislation. However, it also allows for those situations where it is more appropriate to place this responsibility on the Minister of Health, municipal governments or Aboriginal organizations. The Act will come into force on proclamation, expected in 1995.

715. In the spring of 1995, a range of preventive and supportive health services currently provided by Saskatchewan Health were transferred to the district health boards:

(a) Prenatal and child health services offered by public health nurses, including immunization, health screening, and teaching and counselling in home and classroom settings. Services are also delivered through postnatal home visits and child health clinics;

(b) Nutrition counselling and classes, promotion of breastfeeding, and school nutrition programmes provided by nutritionists and nurses;

(c) A Nutritional Products Program, which provides special formulas at low or no cost to a limited number of clients who require special formulas to prevent mental retardation and other handicaps resulting from inborn errors in metabolism;

(d) Measures by nurses, social workers, youth workers and psychologists to enhance parenting skills, and reduce the incidence of family violence, child abuse and delayed development;

(e) Provision of sexuality education and family-planning counselling, and referral to individuals and schools upon request;

(f) Prevention of venereal disease and case follow-up;

(g) Dental hygiene and dental education. In 1992/93 an Extended Fluoride Mouthrinse Program was offered to 17 new schools for a total of more than 16,000 students in 188 schools participating in a weekly fluoride-rinsing programme. Participation in the preschool dental health education programme increased by 58 per cent;

(h) Mental health services;

(i) Addiction prevention and treatment services; and

(j) Public health inspection services.

Environmental and occupational health (public health inspection) services

716. Environmental health services are provided to protect the public and their communities from physical, chemical and biological hazards. The inspectors routinely inspect all public facilities, and investigate and handle potential public health nuisances and hazardous situations. They also heighten the public's awareness of environmental health by attending health fairs, and holding courses and seminars.

717. Employers are provided with models for the development of workplace wellness programming, in addition to consultation and resource materials. Reducing environmental smoke in the workplace and in public places continues to be a priority with Saskatchewan Health.

Community health treatment services

718. Under The Health Districts Act, 1993, The Public Health Act 1994, The Ambulance Act and other legislation, a range of health services, including assessment, diagnosis, treatment, rehabilitative and support services, are provided through various programmes and facilities, agencies and organizations.

719. Community clinics offer a wide range of health services provided by physicians and other professionals who are paid on a salaried basis.

720. Community Health centres, which are funded and managed by district health boards, provide outpatient diagnostic and treatment services through

resident or regularly visiting physicians. Other programmes provided include an on-call nurse to provide 24-hour emergency service, public health services, a social activity programme primarily for elderly people, and liaison with other community-based programmes.

721. The Personal Care Homes Act, requires privately owned homes serving 10 or fewer clients to be licensed, and to meet the standards for accommodation, care services and safety. These homes currently provide service to approximately 1,500 adults in Saskatchewan who have light to moderate personal-care needs.

722. Special-care Homes are regulated through The Housing and Special-care Homes Act. Special-care homes services are funded and/or provided through district health boards to ensure that appropriate long-term residential care and programmes are available to people who need more care and supervision than is available in their own homes.

723. The Medical Care Insurance Plan is administered under The Saskatchewan Medical Care Insurance Act and pays for insured services generally on a fee-for-service basis to physicians, chiropractors, optometrists and dentists in accordance with Medical Care Insurance Branch payment schedules. These schedules reflect agreements reached with the various professional associations. Alternate models of payment for insured services are also being developed and implemented. The Plan was amended in 1993 to implement a co-payment system for chiropractic services; prohibit extra billing for services provided by physicians and other health care providers; and allow the department to recover costs from insurance companies for medical costs paid in connection with third-party liability accidents.

724. The Mental Health Services Act and Regulations were amended in 1993/94. A significant new direction is the provision of mandatory community treatment orders.

725. Mental health services are provided through a wide range of community-based programmes and in-patient psychiatric care services, including 10 psychiatric units, which are operated in conjunction with general hospitals. In addition, one 146-bed psychiatric hospital provides a range of in-patient psychiatric services and also operates an additional 24-bed medium-security forensic programme. The admissions are primarily voluntary with about 30 per cent involuntary admissions.

726. In 1992/93, a mobile health-recovery programme was implemented in northern Saskatchewan in cooperation with the Northern Region of Saskatchewan Alcohol and Drug Abuse Commission. The team comprises mental health social workers and addictions counsellors. With the exceptions of services in northern Saskatchewan, the mental health services provided by Saskatchewan Health will be transferred to district health boards effective 3 March 1995.

727. Services to the Deaf and Hard of Hearing are provided to infants, children, adults and families with hearing difficulties. Children's hearing is assessed by public health nurses and trained audiologists in hospitals and schools. Audiological evaluation, rehabilitation and technical support services and hearing aids are provided at no or low cost through a major urban

assessment centre, and outreach services to communities and schools. Funding assistance is provided for translation services by some health facilities.

728. As to dental services, certain X-ray and surgical dental services continue to be covered by health insured benefits upon referral by a dental specialist or where the beneficiary was referred to a dentist by a specialist in the surgical field, and where prior approval of the Medical Care Insurance Branch is received. Dental Care is provided by salaried dentists and dental therapists for children aged 0-17 whose families receive Family Income Plan Supplements or Supplementary Health benefits. The Northern Health's Children's Dental Program provides coverage of preventive dental care of no cost to children age 3-16.

729. The Prescription Drug Plan provides subsidies based on the family's ability to pay. A safety net programme called Special Support was established to assist those families with low incomes, those with high drug costs and those with a combination of the two. Lower-income families who receive income supplements have lower semi-annual deductibles. After the deductible is reached, the family's share falls to 35 per cent. Families who are not eligible for any other programmes through the Drug Plan have a semi-annual deductible of $850, before the family's share falls to 35 per cent.

730. As to optometric services, effective 1 June 1992, coverage for optometric services was limited to the following four categories of persons: those under the age of 18; Supplementary Health Program beneficiaries; recipients of Family Income Plan benefits; and seniors (age 65+) receiving Saskatchewan Income Plan supplements. Services covered include routine eye examinations, partial examinations and tonometry (for persons 40 years of age and over). The minimum time period between insured routine eye examinations remains at two years for those 18 to 64, and one year for all other ages.

731. The Saskatchewan Aids to Independent Living (SAIL) programme enables eligible persons with long-term physical disabilities to receive equipment and supplies such as wheelchairs and walkers, artificial limbs and braces; financial assistance for home oxygen and aerosol therapy; and prescription drugs required in the treatment and care of paraplegia, cystic fibrosis and renal disease.

732. As to ambulance services, The Ambulance Act and Regulations, July 1989, consolidated the organization, licensing regulations and funding authority for ambulance services. Ambulance services establishes and monitors standards, and licenses 105 service agencies and about 1,500 ambulance attendants, emergency medical technicians and Paramedics. Ninety-nine per cent of the province's population is within 50 kilometres of an ambulance service; 95 per cent of the population is within 30 kilometres of an ambulance service. In addition to funding and/or providing local ambulance services, health districts are also establishing first-response teams to complement existing ambulance services in both rural and urban communities.

First Nations and Métis nations populations

733. Saskatchewan Health, some First Nations and the Métis Nation of Saskatchewan are developing written agreements which facilitate the

participation of Indian and Métis people in health reform. The goals of these agreements are to make it possible for Indian and Métis people to have greater input into decisions relating to the health services that they use and to promote and improve the province's Indian and Métis health status while respecting their unique intergovernmental relationships.

Northern Health Services

734. Northern Health Services is responsible for provision of health services to residents of northern Saskatchewan (a sparsely populated area roughly north of the 54th parallel). Northern Health Services already provides a variety of community-based health programmes to northern residents. These include primary care, public health nursing, mental health care, physician services, children's dental, home care, public health inspection, nutrition counselling, speech language pathology, health education, medical health officer consultation and programme support services.

735. Public health and primary care nurses provide preventive programmes and wellness education on topics such as prenatal care and parenting skills. Nineteen nurses are based in 10 communities. Making about 35,000 contacts, 13 of these nurses provide primary medical services and emergency care to residents of six northern communities who do not already have access to physician services or hospitals. A nurse epidemiologist who works closely with the medical health officer coordinates communicable disease control and surveillance.

736. The home care programme, which was expanded from 10 to 15 community-based programmes in 1992/93, has improved clients' access to services. Community-based home care programmes are designed to allow northerners to remain in their own homes as long as possible rather than seeking institutional care. These programmes also allow people to return home sooner following hospitalization. Northern home care programmes currently serve more than 2,850 clients.

737. A part-time medical health officer provides consultation on a wide variety of community health issues, including communicable and chronic disease control and promotion of good health and well being.

Access to health care providers and related legislation

738. Saskatchewan residents have direct or indirect (referred) access to services provided by a wide range of health service providers.

739. Legislation governing major health care providers and selected information on the services provided are as follows.

Chiropractic services

740. Chiropractic services are regulated through The Chiropractic Act, 1994. The chiropractic programme was changed on 8 September 1992. Prior to 8 September 1992, chiropractic visits and X-ray services were insured with no limits. Effective 8 September 1992, the chiropractic programme changed to a co-payment system for services provided.

Dental services

741. The Dental Therapists Act provides for the registration of dental therapists and authorizes regulations to be made in connection with their practice and employment.

742. In 1991/92, over 80 per cent of eligible children ages 5 to 13 received dental services, including 106,342 preventive oral hygiene examinations and topical fluoride applications, from 300 private practice dentists, dental hygienists and dental therapists.

Nursing services

743. Nursing associations are regulated through The Registered Nurses Act, 1988 and The Licensed Practical Nurses Act, 1993.

744. Nursing services are provided in schools, hospital clinics, community health centres, long-term care facilities, special-care homes and homes by registered nurses, registered psychiatric nurses and licensed practical nurses. In 1992/93, 180,000 hours of nursing services were provided to 11,200 home-care clients, and 1,780,053 patient days of care were funded in Saskatchewan hospitals.

Physical therapy services

745. The Physical Therapists Amendment Act, 1994 allows physical therapists to assess and treat patients without a physician referral. A provision requiring the College of Physical Therapists to submit an annual report to the Minister of Health is also established.

746. Access to physical therapy is provided through hospitals, rehabilitative centres, long-term care facilities, home care and private clinics.

747. Eleven privately owned physical therapy clinics provided therapy services under contract with the Department of Health. In the future, district health boards will have the option of establishing, renewing or terminating contracts for privately owned physical therapy services.

Physician services

748. Physician services are regulated through The Medical Profession Act, 1981. An amendment to The Saskatchewan Medical Care Insurance Act prohibited extra billing by physicians and other health professionals, effective 1 August 1985.

749. On 31 March 1993, 1,152 physicians were in active practice in Saskatchewan. This resulted in a provincial physician-to-population ratio of 1:900.

750. Medical Care Insurance Branch funded insured physician services to 86.4 per cent of Saskatchewan beneficiaries during the year, insured

optometric services to 12.8 per cent of beneficiaries, and insured chiropractic services to 11.2 per cent of beneficiaries. The average annual cost of physician services per person treated was $298.71.

Psychologists

751. The Registered Psychologists Amendment Act, 1994 came into force.

752. Persons employed as psychologists by a district health board or the University of Regina were added to the list of persons who are exempt from the requirement to register under The Registered Psychologists Act.

753. Early childhood psychologist services are provided to children with developmental and/or behavioural problems through assessment, follow-up, consultation and public education services.

754. In 1992/93, the number of Early Childhood Psychologist positions increased from 6 to 10, serving 10 health regions.

Speech-language pathologists and audiologists

755. The Speech-language Pathologists and Audiologists Act, which regulates the profession, was proclaimed on 31 May 1992.

756. Speech-language pathologists and audiologists provide assessment, counselling, follow-up and technical support to the deaf and hard of hearing.

757. In 1992/93, over 30,000 services, including 8,646 audiological evaluations, were provided through the Saskatchewan Hearing Aid Plan. The caseload was approximately 90 per cent preschool children and 10 per cent adult clients.

Medical laboratory services

758. The Medical Laboratory Licensing Act, 1994 repeals The Medical Laboratory Licensing Act. The new Act:

(a) Requires all medical laboratories to be licensed;

(b) Authorizes the Department of Health to license laboratories on the basis of need and accreditation; and

(c) Authorizes the Department of Health to delegate the responsibility for the development and operation of a quality assurance programme to a person or an association.

Health research legislation

759. The responsibilities of the Saskatchewan Health Research Board were transferred to the Health Services Utilization and Research Commission, and a legislative mandate was provided to the Commission through The Health Research Act.

Health services expenditures and financing

760. As part of the health reform initiative, funding is allocated by Saskatchewan Health to 30 district health boards, using a population-based funding methodology.

761. District boards have some discretion in allocating financial resources among health sectors within their jurisdiction, provided they adhere to provincially set programme standards and operating standards. The district board mandate currently includes hospital, long-term care, home care, emergency, and selected health education and health promotion services.

762. In total, per capita funding to the district boards represents approximately 60 per cent of all provincial expenditures on health. Remaining expenditures are made directly by the Department of Health as payments to health professionals and individuals for health-related services or goods, such as physician, mental health, public health and addictions services, and prescription drugs.

763. The Hospital Revenue Act requires municipalities to pay an annual Hospital Revenue Tax if they do not support a district health board or a denominational facility. The government pays these funds to the district board used by residents of the municipalities paying the tax.

764. Saskatchewan expenditures on health totalled almost $1.5 billion in 1993/94, representing approximately 30 per cent of general provincial expenditures, up 4 per cent from 1991/92. In 1992/93, expenditures on medical care insurance coverage totalled $301 million.

1994/95 Health budget and summary of expenditures on health, 1993/94	(in thousands of $)	
	Budget 1994/95	Actual 1993/94
Administration	$ 5 621	$ 5 736
Accommodation and central services	15 479	16 245
District health services and support (paid to districts)	903 564	893 449
Provincial health services and support	102 693	100 850
Medical services and medical education programs	357 442	368 372
Saskatchewan prescription drug plan	61 790	61 695
Special assistance programs	25 736	22 934
Health capital	37 500	26 700
TOTAL	$ 1 509 825	$ 1 495 981

Selected Health Statistics 1/

	1989	1993 2/
Covered population 2/	1 007 m	1 003 m
Number of live births	16 651	14 231
Rate	16.6	14.2
Number of infant deaths	140	111
Rate (per 1 000 live births)	8.4	7.8
Number of neonatal deaths	84	65
Rate (per 1 000 live births)	5.0	4.6
Number of post-neonatal deaths	162	140
Rate (28+ weeks gestation)	9.6	9.8
Number of stillbirths	93	86
Rate (20+ weeks gestation)	5.6	6.0
Life expectancy at birth 3/		
- Males	73.7 years	
- Females	80.5 years	

1/ Saskatchewan Health Vital Statistics Interim Annual Report, 1993.

2/ Vital Statistics preliminary figures

3/ Statistics Canada, Life Tables, Canada and Provinces, 1985-1987 Cat. no. 84-532.

Selected notifiable communicable diseases 1/
(rates per 100 000 population in Saskatchewan)

	1989	1992
AIDS	.7	1.1
Chlamydia	297.7	258.8
Gonorrhea	93.4	76.9
Hepatitis A	13.0	22.4
Hepatitis B	4.1	3.5
Hepatitis B carrier	8.8	10.3
Herpes	34.3	42.9
Meningitis, bacterial haemophiliac	3.3	1.1
Meningitis, Viral or septic	3.2	1.7
Salmonellosis	51.5	32.2
Shigellosis	27.7	51.6
Tuberculosis	20.4	13.0

1/ Laboratory and Disease Control Services Branch Annual Statistics Report 1992-93.

Article 13. Right to education

Right to primary education

765. In 1994/95, there were approximately 200,000 kindergarten-to-Grade-12 students in 870 schools in Saskatchewan.

766. Education is compulsory from ages 7 to 15 inclusive, and school divisions are required to provide services free of charge to all persons from 6 to 21 years of age.

767. A regulatory system for independent schools is now in place, with a similar system for home-based education. The home-based system is designed to respect parents whose views and beliefs cannot be accommodated in a school setting.

768. Regulations to The Education Act require that school boards provide appropriate services for students with disabilities.

769. Specific Indian and Métis policy and curriculum ensure improved access and success rates for students of Aboriginal ancestry.

770. Saskatchewan has enacted amendments to The Education Act and Regulations to allow members of the French-language minority to establish and operate their own schools, where numbers warrant, in accordance with provisions of section 23 of the Canadian Charter of Rights and Freedoms.

Right to higher education

771. Saskatchewan Education, Training and Employment provides financial assistance to all qualified post-secondary students based on need. In addition, the Saskatchewan Student Assistance Plan provides needs-based financial assistance in the form of loans to students, with forgiveness benefits for high-need students.

772. The Special Incentive Plan provides supplementary needs-based loan assistance and remission benefits to eligible students from disadvantaged groups: single parents, Non-status Indian or Métis, and individuals from the North.

773. The Interest Relief Plan provides interest relief and deferred payments for students unable to repay loans due to unemployment, underemployment, illness, disability, pregnancy or other extenuating circumstance.

774. Saskatchewan provides funding in support of The Gabriel Dumont Institute to promote Indian and Métis culture, and The Dumont Technical Institute, to deliver culturally relevant adult basic education and skill training to Métis, Indian and other students.

775. The Saskatchewan Indian Federated College was established to provide university degree programmes. It is managed by the Federation of Saskatchewan Indian Nations and is the only institution of its kind in North America. The

Federation of Saskatchewan Indian Nations also manages the Saskatchewan Indian Institute of Technology, which provides skill training for Indian students.

776. The Saskatchewan Urban Native Teacher Education Program, the Northern Teacher Education Program, the Northern Professional Access College, the Northern Training Program, and the Non-status Indian and Métis Program all promote access to education and training for Métis and Indian people in a culturally sensitive environment.

777. Northlands College, the provincial regional college providing post-secondary education and training to northern Saskatchewan, offers first-and second-year university Arts and Sciences courses, apprenticeship and technical programmes and adult upgrading. The College provides training for the Multi-party Training Plan, a five-year federal-provincial mining industry agreement to deliver training for northern residents.

778. The Northern Training Program helps to fund the development and delivery of employment-directed training for adult northerners through basic skill, pre-employment, apprenticeship and technical training programmes. It helps to fund a resource centre, employment career symposiums, conferences, and workshops on northern agriculture, small business and renewable resources. Financial support for trainees is also provided.

779. The Northern Employment and Employee Development Program, which links training to employment through close liaison with business, promotes greater northern participation in a range of small businesses and the mining service sector. Consultation with business, industry, the public service and municipal governments facilitates the placement of northerners in jobs where they receive individualized training and ongoing job and career counselling. The goal of the Program is to assist northerners to become permanent members of the active work force.

780. In 1984, the Saskatchewan Human Rights Commission identified a serious problem in the delivery of education to Aboriginal students. Studies showed that as many as 93 per cent of Aboriginal students dropped out of school before completing Grade 12. To address this problem, the Commission developed an education equity programme modelled on voluntary employment equity plans. To date, 20 school boards have adopted education equity plans affecting approximately 75,000 students. These plans attempt to address systemic discrimination against Aboriginal students.

781. The Commission has also approved nine education equity plans in post-secondary educational institutions. These plans address equal access to and benefit of education for all four designated groups (women, Aboriginal people, people with disabilities and visible minority people).

782. The education equity plans approved by the Commission require sponsors to provide cross-cultural training to their staff, to include Aboriginal content in their curriculum, and to hire Aboriginal staff (including teachers) as role models for Aboriginal students.

783. Because First Nations and Métis youth are disproportionately represented throughout the Young Offender Program in Saskatchewan, most significantly in

custody, the Department of Social Services continues to work with Aboriginal organizations to provide culturally sensitive programmes to youth in custody. Increasingly, they have the opportunity to participate in sweat lodges, consult with elders, attend cultural camps, and take part in traditional activities and ceremonies. Sentencing circles, a traditional Aboriginal approach to dealing with individuals who break the laws of the community, have recently been used in several situations involving youth in conflict with the law.

D. Manitoba

784. The following will update, to 1995 (and in some cases beyond), the information contained in Canada's second report with respect to Manitoba.

785. As a preliminary note, Manitoba has, since the last report, introduced sustainability as an important consideration to the protection and promotion of economic, social and cultural rights for all persons in Manitoba. This includes ensuring that public expenditures recognize that these rights need to be sustained so that future generations may also enjoy them. In order to ensure that these public expenditures are sustained, a healthy economy, a balanced public budget, and debt reduction efforts may be required.

Article 6. Right to work

786. A 1996 reform to the social assistance programme included a measure regarding employment for persons on social assistance. The Employment and Income Assistance Program, administered under The Employment and Income Assistance Act, C.C.S.M. c. E98, took over from the previous Social Allowances Program, which was administered under The Social Allowances Act (formerly C.C.S.M. c. S160). The new programme places an active expectation on single parents who are recipients of social assistance benefits and whose children are six years of age and over to develop an employment plan. The plan includes job searching, with regular reports on the progress of the search.

787. Various employment measures are being phased in as part of the social assistance reforms. They include liaison between the Department of Family Services and the Department of Education and Training, to enable a refocus on employability enhancement programmes. Furthermore, active partnerships with employers may provide employment experience to social assistance recipients. Recipients who are employed may receive benefits from the programme to supplement their earned income as incentives to work.

Article 7. Right to just and favourable conditions of work

788. Amendments to the Minimum Wages and Working Conditions Regulation under The Employment Standards Act, C.C.S.M. c. E110, increased the legislated minimum wage in Manitoba from $4.70 an hour to $5.40 an hour during this period.

789. In 1993, The Retail Businesses Holiday Closing Act, C.C.S.M. c. R120, was amended to enable municipalities to adopt by-laws allowing for more

liberalized Sunday and holiday shopping. The Employment Standards Act was changed to give employees and retail establishments affected by the by-laws the right to refuse work on a Sunday or holiday.

790. In 1991, new provisions were added to the Construction Industry Safety Regulation, M.R. 189/85, (made pursuant to The Workplace Safety and Health Act, C.C.S.M. c. W210) to require roll-over protective structures on all construction equipment. Phase-in periods, which expired in 1992 and 1993, provided time to retrofit older equipment.

Article 8. Trade union rights

791. Virtually all groups of employees are afforded the rights and protections of The Labour Relations Act, C.C.S.M. c. L10. Every employee has the right to be a member of a union, to participate in the activities of a union, and to participate in the organization of a union. The only persons who may be excluded from a collective bargaining unit are persons employed in a confidential capacity in matters relating to labour relations, or persons who perform in management functions primarily. (Public school teachers are also excluded under the Act, but are afforded similar rights and protections under The Public Schools Act, C.C.S.M. c. P250.) The Labour Relations Act provides extensive protection against acts of anti-union discrimination and against acts of interference with employee rights.

Article 9. Right to social security

792. Reference has already been made under article 6 with respect to Manitoba's 1996 reforms of employment measures for single parents who are recipients of social assistance benefits under the Employment and Income Assistance Program.

793. Manitoba currently has a dual system for the delivery of social assistance benefits under The Employment and Income Assistance Act, C.C.S.M. c. E98. Under the Employment Assistance Program, Manitoba municipalities are responsible for providing short-term assistance to employable persons, in accordance with provincially determined assistance guidelines. The responsibilities of the provincial government under the programme focus on the longer-term, to provide assistance to single parents and to persons with disabilities.

794. Manitoba is an active participant in federal-provincial-territorial discussions to redefine the roles and responsibilities of the various governments in the funding and providing of social security measures, including vocational rehabilitation, income support for persons with disabilities, and child benefits (the last of which is national in perspective).

Article 10. Protection of the family, mothers and children

795. As indicated in the last report, The Community Child Day Care Standards Act, C.S.S.M. c. C158, continues to provide for the licensing and funding of child day care facilities, certification of child care staff and subsidies to eligible parents. Services are available for families with children up to

12 years of age and, in special cases, over 12 years of age. As of 1996/97, there were 525 centres and 529 homes with a total of 19,895 spaces available for child day care. Day care subsidies were paid to facilities on behalf of approximately 8,350 children during that year.

796. In the last report, it was noted that The Child and Family Services Act, C.C.S.M. c. C80, contained provisions for the placement and protection of children. Placement may be voluntary or may be made by a child and family service agency. Where an agency decides a child is in need of protection, it may enter a home without warrant and take a child to a place of safety, with certain rules for notification to the parents and procedural safeguards. The Act was recently the subject of a major policy review, with the expectation that significant refinements and amendments will be made.

797. In recognition of the need for a protector of the rights and interests of children in Manitoba, the Office of the Children's Advocate was established under an amendment to the Child and Family Services Act, which came into force in May of 1993. The mandate of this Office is threefold: first, to advise the Minister of Family Services on matters relating to the welfare and interests of children either receiving or entitled to receive services under the Act, as well as with respect to the revision and availability of the services to children; second, to respond to and investigate complaints relating to children who are receiving or are entitled to receive services, as well as the provision and availability of services to children; third, to represent the rights, interests, needs and viewpoints of children.

798. On 1 July 1990, The Dependents Relief Act, C.C.S.M. c. D37, replaced The Testators Family Maintenance Act (formerly C.C.S.M. c. T50). The new Act expanded the categories of family members who may seek support from an estate. Added to the categories are: children to whom the deceased acted as a parent, former spouses with support orders/agreements, a wider range of common-law spouses, parents, grandparents, grandchildren, and siblings who were financially dependent on the deceased. The test is now the financial need of the dependent; claims made on the basis of "moral duty" are precluded. The new Act is made binding on the Crown, to ensure that if a person dies intestate with no heirs, persons may still be entitled to seek support.

799. At the same time, The Intestate Succession Act, C.C.S.M. c. I85, replaced The Devolution of Estates Act (formerly C.C.S.M. c. D70). The Act sets forth a new scheme for distributions upon intestacies. Formerly, surviving spouses received the first $50,000 of the estate, plus one-half of the remainder. The remaining half was divided among the deceased's issue. Under the new Act, if all of the issue of the deceased are also the issue of the widow(er), the widow(er) inherits the entire estate. If there are issue who are not also issue of the widow(er), then the issue will share up to 25 per cent of the estate, with the larger portion going to the widow(er).

800. Another change arising from the enactment of The Intestate Succession Act relates to distributions where the intestate deceased without a spouse or issue. Formerly, the scheme was based on a complex formula regarding "degrees of consanguinity". The change makes distribution much simpler. Parents inherit first. Failing that, the issue of the parents inherit. If no such relatives exist, the closest issue of the grandparents inherit, and if none,

the closest issue of the great-grandparents. After that, the estate escheats to the Crown. The rules of estate distribution are changed at each generation so that members of the same generation receive equal shares and those of a more remote generation cannot receive a greater share than those of a closer generation (which was formerly possible).

801. In 1992, amendments were made to The Pension Benefits Act, C.C.S.M. c. P32, to enable spouses who have independent legal advice and confirmation of the value of pension credits to opt out of the Act's pension splitting provisions. Formerly, pension splitting was mandatory.

802. Another change to The Pension Benefits Act is that common-law spouses who meet certain criteria are entitled to survivor's benefits. An election must be made by the employee common-law spouse for the pension splitting provisions to apply. This is consistent with Manitoba's family law policy regarding property rights of common-law spouses.

803. A further change to The Pension Benefits Act is the creation of the right of garnishment from pension credits, but in the limited circumstances of default of maintenance payments. Other creditors and the pensioner do not have access to the pension credits. The amendment preserves a spouse's fixed right to a division of the payor's pension benefit credits where the right existed as of the day of service of the garnishing order and the pension administrator was aware of that right.

804. On 15 August 1993, The Homesteads Act, C.C.S.M. c. H80, replaced The Dower Act (formerly C.C.S.M. c. D100). A widow(er) has the right (subject to creditors' claims) to live in the marital home for life, even if the deceased was the sole owner of the property.

805. At the same time as the above change, a new part was added to The Marital Property Act, C.C.S.M. c. M45, dealing with marital property accounting after death. A widow(er) who is dissatisfied with the bequest in the will of the deceased may elect to take instead a fixed share of the estate as prescribed by the Act (usually one half). In effect, the widow(er) is entitled to claim essentially the share to which they would have been entitled in a lifetime marital property accounting. Previously, wealthy testators could essentially "buy" their way out of the Act by leaving certain minimum bequests to the widow(er) (for example a $250,000 lump sum), resulting in the widow(er) receiving less than would have been the case under a marital property accounting on separation.

806. Aside from the above, the changes to The Marital Property Act actually increased testamentary freedom in Manitoba. Previously, the deceased may have had much less freedom upon death to leave assets than he or she may have had during his or her lifetime.

807. The changes to The Marital Property Act were taken into account in The Intestate Succession Act, so that widows and widowers of spouses who die intestate may also make applications for an equalization of marital property after death.

808. In 1992, The Family Maintenance Act, C.C.S.M. c. F20, was amended to allow designated magistrates of the Provincial Court to grant protection orders to abused spouses through a simple process that does not require a lawyer. Penalties were increased for breaching restraining orders.

809. In 1995, among other changes, the maintenance enforcement provisions of The Family Maintenance Act were strengthened to allow the suspension of drivers' licences and motor vehicle registrations of persons who were in default of payment of their maintenance obligations, and to further allow the attachment of pension benefit credits to satisfy those maintenance orders.

810. In 1990, the Family Violence Court (Provincial Court) was established to hear cases of spousal, child and elder abuse. During the period, the Department of Justice adopted a zero-tolerance policy with respect to spousal abuse.

811. Since the last report, the Department of Justice has continued to operate the Maintenance Enforcement Program. It provides an automatic computerized monitoring system of payments, together with automatic enforcement of maintenance orders. There is no legal cost for persons seeking to enforce their maintenance orders through the programme. As of 31 December 1995, 12,548 active accounts were being handled by the programme, and during that year in excess of $35.4 million in maintenance payments was collected.

812. Effective 30 June 1995, the Maintenance Enforcement Program was given the ability to report persons who failed to pay support payments to credit agencies.

Article 11. Right to an adequate standard of living

813. As already noted, Manitoba's social assistance measures are governed by The Employment and Income Assistance Act, C.C.S.M. c. E98 and The Social Services Administration Act, C.C.S.M. c. S165, under a dual delivery system where municipalities provide short-term assistance to employable persons, and the provincial Government provides longer-term assistance. The Government of Manitoba has recently announced an intention to merge the provincial and municipal social assistance systems in the City of Winnipeg.

814. In 1996/97, Employment and Income Assistance "cases" (a "case" may comprise more than one person) numbered approximately 25,800. Of these the number of cases related to persons with disabilities was approximately 11,900. Municipal assistance cases numbered approximately 17,400. Combined, this represented a drop of approximately 4 per cent from the previous year, with combined expenditures in 1996/97 of approximately $350.1 million.

815. The Department of Family Services offers two income supplement programmes. The first is "Fifty-Five Plus", which is a Manitoba income supplement programme for seniors. The second is "CRISP", the child-related income supplement programme. Both programmes are administered on the basis of applications, and in accordance with a means test.

Article 12. Right to physical and mental health

816. The period 1990-1995 saw many reforms to Manitoba's mental health service delivery system. Plans were developed to improve services to each of the province's eight health regions through, essentially, a redirection of existing resources. These plans have now been approved by the Government, and are in various stages of implementation.

817. Collectively, these plans represent a broad-scale redistribution and refocusing of resources away from, primarily, an urban hospital-based system of care to one that emphasizes community-based care in both urban and rural settings. As well, the Government's overall strategy for these reforms represents a significant departure from traditional approaches. It substantially increased planning accountability in regional and community structures. Hundreds of mental health consumers and family members, direct service professionals and community members have been active participants in the planning and implementation of these initiatives.

818. The following itemizes some of the major reform projects under way during this period regarding regional developments:

(a) A total of 65 general adult psychiatric beds have been closed enabling the development of a number of community alternative programmes which are now fully operational;

(b) A Coordination Committee is in place to ensure ongoing cooperation of services, to western Manitoba within the Winnipeg Acute Care and Crisis Response System;

(c) Negotiations are under way between Manitoba Health and the Brandon, Dauphin and Portage General Hospitals for them to assume the acute care function formerly performed by Brandon Mental Health Centre;

(d) Many long-term elderly in-patients have been relocated to personal care homes in the Central and Parklands regions, resulting in the closure of three geriatric wards at the Brandon Mental Health Centre and the transfer of a number of staff to community settings;

(e) Grant funding has been made available at the Society for Depression and Manic Depression, Manitoba Schizophrenia Society and the Society for Disorders Association of Manitoba;

(f) New staffing arrangements have been made with a five-person psychogeriatric assessment team being recruited in Brandon, another psychogeriatric assessment team for Parklands, and nine intensive case managers for four larger rural communities. Planning is under way for community residences and/or supportive housing programmes in Brandon and Parklands as well as for extensive development of community-based case management and employment programming in western regions, with appropriate employment support workers being recruited;

(g) Final plans have been approved for a range of crisis response and support services in another three regions, including an eight-bed crisis stabilization unit and a mobile crisis unit in Brandon, a four-bed crisis stabilization unit in Swan River and a safe house facility in Portage la Prairie;

(h) Manitoba Health is working with The Pas Health Complex and Thompson General Hospital on a plan for in-patient services which will result, for the first time, in residents in northern Manitoba having access to a whole spectrum of mental health services. Joint planning is also being done with external agencies to develop services in the area with an anticipated creation of approximately 65 jobs for the Interlake and Eastman regions;

(i) These plans call for development of a wide range of community-based crisis response and support services for the adult and child and adolescent populations;

(j) An eight-bed stabilization unit mobile crisis team is now fully operational in Selkirk (delivered by the Salvation Army).

819. A new mission statement has been adopted for the Selkirk Mental Health Centre, effective 28 March 1994. It points to the facility becoming a centre of excellence, focusing on the needs of persons who cannot be accommodated within the community system. An internal reorganization is under way to modernize the Centre's service delivery.

820. A progressive self-help funding policy has been approved by the Government and significant funding increases have been allocated.

821. With respect to professional training for mental health services, projects to improve the skills of mental health professionals are under way. Six family physicians and general practitioners in various (primarily rural) parts of the province who were enrolled in psychiatric training courses have now graduated. The training of psychiatric nursing has been transferred to Brandon University. A rural northern psychology training programme under the management of the Department of Clinical Health Psychology, Faculty of Medicine, University of Manitoba, has been initiated. This will see clinical psychologists in the Norman, Thompson and Interlake/Eastman regions.

822. A public notification campaign was undertaken regarding the possibility of blood transfusions having occurred prior to 1985 where blood may have been contaminated with the human immunodeficiency virus (HIV). Testing was made available to allow those persons to rule out the possibility of infection. At the same time, a provincial AIDS strategy was developed, as an intersectoral and multi-stakeholder initiative.

823. The Department of Heath created the Epidemiology Unit, to improve surveillance and to conduct research and analysis of emerging trends in diseases and health. The Unit has created a series of collaborative epidemiology working groups on such topics as cancer, injuries, infectious and communicable diseases, diabetes and perennial health. These working groups have developed a series of priority areas for research and analysis. Many projects are ongoing.

824. In 1994, the Department of Health created the Public Health Branch. The Branch was designed as an accountability centre for disease prevention and control, and for the promotion of health. The Branch brings together a number of units in three broad areas: Public Health and Epidemiology, Public Health Laboratory, and Emergency Health Services.

825. In 1993, the Department of Health undertook a process to review and redevelop The Public Health Act, C.C.S.M. c. P210. This process is a broad-based, collaborative and intersectoral effort, and will be ongoing for several years.

Article 13. Right to an education

826. In 1995/96, there were a total of 208,984 students in Manitoba. Provincial expenditures on education amounted to $998,856,500, representing 18 per cent of the provincial budget.

827. In 1995/96, the Department of Education and Training spent $86,713,035 on special education. This includes programmes at the Manitoba School for the Deaf and other support programmes for students with disabilities. The Department also supplies a consultant for English as a Second Language programme, and for heritage languages, multiculturalism, and anti-bias (age, race, gender) education.

828. A variety of languages are used in Manitoba schools. In 1995/96, 5,610 students were enrolled in French as a first language programme, 19,096 students were taking French immersion programmes, and 77,205 students were in the basic French programme. Bilingual programmes in German, Hebrew and Ukrainian had 1,708 students; 4,568 students were enrolled in heritage language courses (e.g. Hebrew, German, Ukrainian, Objibway).

829. General Education Development Testing, referred to in the previous report, assisted Manitobans to obtain high school equivalency diplomas. In 1995, 681 diplomas were issued, and 751 were issued in 1996.

830. The Independent Study programme provides elementary and high school courses to approximately 5,500 Manitobans annually. As well, over 3,000 teachers use their courses as instructional aids in the classroom.

831. Enrolments in adult basic education courses in Manitoba community colleges declined to 682 in 1995/96, and are projected to decline further due to a withdrawal of support from the federal Government, in favour of shift in emphasis to achieving formal secondary training.

832. The Literacy and Continuing Education Branch, which replaced the Adult and Continuing Education Branch, assists in coordinating educational programmes (including literacy programmes) for adults. The Department's literacy initiative has included more than 33 community-based programmes.

833. All Manitoba public post-secondary institutions allow mature student entry, irrespective of formal secondary education, although persons who have not completed formal secondary education may be accepted subject to the condition of completion of preparatory courses.

834. While not 100 per cent free, Manitoba public post-secondary institutions are publicly subsidized. For Manitoba universities in 1995/96, 63 per cent of all revenues originated from provincial grants. For Manitoba community colleges, tuition fees contributed to 10.5 per cent of operating costs, with the balance from provincial grants.

835. In the last report, it was noted that Manitoba was continuing to extend opportunities for post-secondary education and training to persons from groups which historically have been under-represented in post-secondary institutions. Priority consideration in certain programmes is given to low income persons of Aboriginal descent, recent immigrants, and single parents. Programmes include the following: the University of Manitoba ACCESS programme, a special pre-medical studies programme for native Manitobans, the professional health programme for native Manitobans, the Northern Bachelor of Social Work Program delivered by the University of Manitoba and Brandon University, the Northern Teacher Education Program, community college ACCESS programmes, and the Southern and Northern Nursing Programs delivered by Red River Community College. In 1995/96, programmes developed through these initiatives were serving the needs of 758 students.

836. Manitoba is the jurisdiction in Canada with the third highest percentage of Aboriginal population, after the Northwest Territories and the Yukon Territory (estimated 10.6 per cent of total population). The Aboriginal population is very young, with almost half under the age of 20. Education, including access to higher education, is therefore an important issue to Aboriginal people. 2.9 per cent of university graduates and 6.6 per cent of community college graduates in Manitoba are of Aboriginal descent. Employment rates and earning power of Aboriginal university graduates are on par with, or better than, other graduates. Employment rates are lower for Aboriginal community college graduates, but earnings are the same as other college graduates. Exact enrolment figures are not available (it is a violation of human rights to require people to identify their ethnic origin when applying for admission), but it is estimated that 10 per cent of admissions to higher educational institutions are for Aboriginal persons.

837. The Department of Education and Training has a Native Education Directorate which is responsible for ensuring a corporate approach is taken to Aboriginal education within the Department. The Directorate is also responsible for promoting the removal of systemic barriers to Aboriginal students' success in education and training.

838. Providing quality education to all high school students, including those in northern and remote communities, is being addressed through the establishment of an infrastructure works project. This project supports the sharing of delivery between schools through interactive television and the Internet, and provision of on-line learning resources. The Independent Study Program and Teacher Mediated Program, in the Distance Delivery Unit, provide opportunities for students.

839. The Department of Education and Training's Instructional Resources Unit facilitates the development and implementation of curricula through the provision of learning resources, library services and access to global information. Over 8,000 new acquisitions, including books, video

recordings and CD-ROMs, were added to the collection and made available to teachers throughout the province. A substantial number of new bibliographies were developed and distributed, including Resources in the German Language, Parental Involvement, and Black History. Assistance was also provided to the development of the Department's World Wide Web site at <http://www.gov.mb.ca/educate/index.html> where many of the Unit's resources and services are described. A new copyright licensing agreement was signed with Cancopy for the period 1994-1997 allowing schools to photocopy copyright material, within limits, in exchange for financial compensation to the collective's authors and publishers.

840. The Manitoba Education Research and Learning Information Networks (MERLIN) agency is coordinating the development of an educational network for data and video which will connect schools, colleges and universities. Once operational, the network will be available for use by educational institutions, the Department and other agencies to provide educational material. A collaborative curriculum development project among the four western provinces and two territories has led to the development of curriculum matched for computer software.

841. In 1993, The Public Schools Act, C.C.S.M. c. P250 was amended to create the Francophone School Division. The amendment provided the legislative framework for the establishment of a province-wide minority language school division with responsibility for educational matters for children of Francophone parents. In January 1994, the first elections were held for the governing structures of the Division scolaire franco-manitobaine no 49 (Francophone School Division No. 49). The Division assumed responsibility for the administration of French language programmes for 4,300 students in 20 schools throughout the province.

Article 15. Right to take part in cultural life, and to enjoy the benefits of scientific progress and the protection of authors' interests

842. The Department of Culture, Heritage and Citizenship, through the Arts Branch and the Manitoba Arts Council, supports a variety of programmes which enable the citizens of Manitoba to participate in the cultural life of the province.

843. The Arts Branch assists initiatives which provide Manitobans with the opportunity to become involved in arts activities at the community, regional and provincial levels. The Branch's programmes foster and promote access to such opportunities by all Manitobans, including those in rural and remote communities of the province, and those whose artistic endeavours reflect their ethno-cultural heritage. The Branch also supports the development of Manitoba's publishing, film, television, sound recording, fine art and crafts industries.

844. The Manitoba Arts Council, through its "Artists in the Schools" programme, provides students and teachers throughout Manitoba with exposure to the arts. Through its assistance to professional Manitoba performing and visual artists organizations, the Council promotes the study, enjoyment, production, and performance of works in the arts.

E. Ontario

845. This report updates Ontario's contributions to the second report on articles 6-9 for the period 1 January 1986 to 30 September 1994, and the second report on articles 10-15 for the period 1 January 1990 to 30 September 1994. References in the report to guidelines refer to the revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, and the consolidated guidelines of the reports of States parties.

846. Responses to questions raised by the concluding observations of the Committee on Economic, Social and Cultural Rights in Part D are answered where they relate to issues within provincial jurisdiction in the body of the report, where appropriate.

847. Shortly after the period covered by this report, in June 1995, Ontario elected a new government. As a result, some of the policies, programmes and legislation described in this report have been or will be undergoing review and change. Relevant changes will be set out in subsequent reports, as appropriate.

Article 1. Right to self-determination

848. During the reporting period, the Statement of Political Relationship, signed in 1991, was in effect, which addressed the status and self-government of First Nations in Ontario. Though not a legally binding document, the Statement established a government-to-government relationship between First Nations and the Ontario government, and committed both to negotiations for the implementation of the inherent right to self-government.

Article 6. Right to work

Women

849. In 1993, 59.5 per cent of women participated in Ontario's labour force, compared with 61.4 per cent in 1990 and 58.1 per cent in 1985. Of the total Ontario labour force, nearly half (46 per cent) were women.

850. In 1994, the unemployment rate for women was 7.2 per cent; in 1993, 9.9 per cent; in 1990, 5.3 per cent and in 1984, it was 9.5 per cent.

851. In 1992, Ontario women working full-time earned an average of 72 per cent of men's average salary, up from 63 per cent in 1981. Approximately one quarter of Ontario women worked part-time. The incidence of involuntary part-time work increased to 31 per cent of female part-time workers in 1993, up from 14 per cent in 1989.

852. In 1993, 85 per cent of Ontario women were employed in the service sector and 17 per cent of women were employed in the trade sector. Twenty-seven per cent of women workers were employed in clerical occupations. Approximately half of those employed in managerial and professional

occupations were women. Approximately 80 per cent of the employees in clerical occupations were women. Within the trade sector, 45 per cent of workers were women.

853. Among women, women of colour, Aboriginal women and women with disabilities are the most disadvantaged in terms of employment opportunities and income.

Young persons

854. Information on Ontario youth (15-24 years of age) employment is presented for 1984, 1989 and 1994. Total population in that age group and the information on its labour force participation is given by gender for each of selected years.

855. In 1994, 63.1 per cent of 15- to 24-year-olds participated in the labour force, compared with 73.8 per cent in 1989 and 70.6 per cent in 1984. Unemployment rates for this age group were significantly higher than the rates for the total population. For all three years the youth unemployment rate was more than 1½ times the rate for the total population.

856. The rate of participation in the labour force of young men was consistently higher than the participation of young women. The differences in the participation rates for the three selected years were between 3 and 4 percentage points. In 1994, for example, 64.7 per cent of young men participated in the labour force compared with 61.5 per cent of young women.

Estimates of labour force participation of population
15-24 years of age, Ontario, 1984, 1989, 1994

	Total population ('000)	Labour force Total ('000)	Labour force Employed ('000)	Participation rate	Unemployment rate	Employment population ratio
1984 Male	765	554	464	72.4%	16.2%	60.7%
1984 Female	756	520	451	68.8%	13.3%	59.7%
1984 Total	1 521	1 074	915	70.6%	14.8%	60.2%
1989 Male	718	546	499	76.0%	8.6%	69.5%
1989 Female	693	496	459	71.6%	7.5%	66.2%
1989 Total	1 411	1 042	958	73.8%	8.1%	67.9%
1994 Male	700	453	370	64.7%	18.3%	52.9%
1994 Female	678	417	357	61.5%	14.4%	52.7%
1994 Total	1 378	870	727	63.1%	16.4%	52.8%

Older workers

857. The following are the labour force participation rates of workers over 45:

	45-64 years	65+ years
1993	1 464 000	82 000
1990	1 290 000	83 000

Disabled workers

858. Disabled Ontarians were much less likely to be employed than were non-disabled Ontarians. In 1993, 43 per cent of disabled Ontarians were employed, compared with 75 per cent of non-disabled Ontarians. Employment differences between male and female disabled persons were consistent with the trend in the general population.

Training

859. In 1993, 799 secondary schools provided a wide variety of vocational and technical programmes to approximately 708,411 students.

860. Opportunities were provided through grants to school boards for secondary school students to access a variety of technological education programmes. Students could accumulate credits in seven broad-based areas: construction, communication, design, hospitality services, manufacturing, personal services and transportation. They were intended to attract all students, particularly those who did not traditionally select the former skill-specific programmes, e.g. females and the physically challenged. The Secondary School Cooperative Education Program also provided credits for work experience with specified business and industry partners. More than 60,000 students were participating in cooperative education programmes in 1994.

861. Ontario had 25 colleges of applied arts and technology, including 3 created to serve the Franco-Ontarian population. Most were career-oriented, intended to prepare students for employment in their desired fields. Many programmes were created to fill technical and vocational needs identified by employers. They offered full-time and part-time continuing education programmes. Many apprentices also studied the theoretical parts of their programmes at these colleges.

862. Ontario also supported distance-education programmes for adult learners in areas not directly served by colleges. The Contact North network served over 130 northern Ontario communities. The courses combined self-study with audio or video conferencing among students and the teacher. Grants were provided to colleges and universities to encourage them to develop self-study distance-education instructional materials.

863. During the reporting period, Ontario established the Ontario Training and Adjustment Board to guide the development of a highly skilled labour force and to make publicly funded training and adjustment services and programmes

more accessible and more responsive to the labour market. This Board was responsible for apprenticeships in the construction, industrial, motive power and service sectors. In 1993/94, there were 54,000 registered apprentices. The Board also provided transition assistance required by employees, companies and communities because of closures and downsizings. It was also involved in partnership with the private sector in providing contract training to business and industry.

864. The Board administered several youth employment programmes to assist young people in finding and maintaining permanent jobs. Some programmes focused on outreach to youth facing systemic barriers to employment.

Equality of opportunity and treatment in employment

865. In September 1994, the Employment Equity Act and regulations came into force in Ontario. Employers were required to survey their workforces to determine the number of designated group members (women, Aboriginal persons, persons with disabilities and racial minorities) in the workplace. Employers were also required to review policies and practices to identify barriers to equity in their workplaces and develop plans to remove these barriers. The plans were to include goals and timetables for making the composition of the various occupational categories of the workforce reflect the representation of the designated groups in the community.

866. In 1982, the Ontario Human Rights Code was amended to proscribe positive discrimination. The Code was also amended at this time to prohibit harassment in employment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status, handicap or sex.

867. In 1986, further amendments were made to the Ontario Human Rights Code. Sexual orientation was added as a prohibited ground for discrimination in employment. The definition of age as it applied to employment discrimination was changed from ages 40-65 to 18-65. The grounds of citizenship, sexual orientation, handicap and family status were added to the provisions respecting discrimination by trade unions. An amendment to include the requirement to accommodate persons with disabilities short of "undue hardship" was made in 1986 and proclaimed in 1988. As well, the provisions allowing for employment equity programmes were expanded to apply to affirmative action in the service sector, in order to assist members of designated groups to gain access to educational and job-training opportunities.

868. In 1995, the Code was amended to create a permanent Board of Inquiry for adjudication under the Code, to introduce a voluntary settlement process, and to expand regulation-making authority to enhance case management. These regulations may include development of timeliness for production of documents, investigation procedures, and criteria governing when to effect settlement.

869. The Access to Professions and Trades Strategy, intended to remove systemic barriers in the certification/licensing process, particularly for professionals accredited outside Ontario, was created in December 1992.

Access to training and employment

870. Equity considerations have influenced the programmes delivered by Ontario colleges. However, data on participation by race, colour, sex, religion and national origin is not currently available.

Distinctions not considered discriminatory

871. Under the Constitution Act, 1867, Roman Catholics in Ontario are guaranteed continuation of the education rights they had by law at the time of Confederation. A condition of the extension of public funding to all grades of the Roman Catholic school system was that 10 years after a Roman Catholic school board had expanded to offer the full secondary school programme, it was required to consider all applicants for employment and promotion in its secondary schools. As of the date of this report, the constitutionality of this requirement is before the courts.

The right to work

872. Amendments in 1987 to the Employment Standards Act included: lengthening the required notice period for most individual terminations; requiring employers to provide employees and the Minister of Labour with basic information about intended mass terminations; establishing the right to termination pay for employees on lengthy temporary lay-off; and broadening the scope of the severance pay provisions.

873. Further changes to that statute in 1993 required unions and employers to negotiate towards a labour adjustment plan in cases of closure or lay-offs of 50 or more employees; required employers to provide more information to the Ministry of Labour in cases of mass lay-offs; and strengthened the provision that the Minister of Labour could require parties to discuss adjustment measures or alternatives to mass lay-offs with their workers.

Article 7. Right to just and favourable working conditions

Minimum wages

874. Ontario continued to have the system of minimum wage protection set out in the second report. The following sets out recent developments in the minimum wage in Ontario. In 1985, the minimum wage was $4.00; in 1990, it was $5.40; and in 1994, it was set at $6.70.

875. Average weekly wages, excluding overtime, increased from $403.99 in 1985 to $511.36 in 1990 and $573.32 in 1993 (1994 figures were not available as of the writing of this report).

876. In 1994, there were approximately 5,160,000 paid workers in Ontario. The number of workers excluded from minimum-wage protection cannot be accurately estimated.

Equal pay

877. As reported in the second report, Ontario has had equal pay legislation since 1951. Provisions under the Employment Standards Act require that female employees receive the same rate of pay as male employees for substantially the

same work, performed under the same working conditions. Information regarding Ontario's Pay Equity Act, 1987 is found in the report to the ILO on the application of ILO conventions ratified by Canada, dated 1987. Information regarding amendments to the Pay Equity Act is found in the Government of Canada's report on the Equal Remuneration Convention (No. 100) for the period 1 July 1991 to 30 June 1993.

Occupational health and safety

878. Information regarding Ontario's Occupational Health and Safety Act is found in reports on the following ILO conventions: Guarding of Machinery, 1963 (No. 119); Safety and Health in Construction (No. 167); Working Environment (Air Pollution, Noise and Vibration), 1977 (No. 148); Asbestos Convention, 1986 (No. 162); Occupational Health and Safety Convention, 1981 (No. 155); Chemicals Convention, 1990 (No. 170).

879. Information can also be located in the Ontario portion of responses to the following ILO questionnaires: Extension of Labour Inspection to the Non-commercial Sector; Chemical Industry: Working Conditions; Homeworkers: Conditions of Work; Safety and Health in Mines; and Clothing Industry: Working Conditions.

880. Amendments to the Workers' Compensation Act in 1988 provided for fairer benefits to workers who suffered permanent disability; an increase in the level of workers' earnings covered by workers' compensation; the continuation of workers' health, pension and life insurance benefits during the first year following a workplace injury; a requirement that injured workers be actively offered appropriate rehabilitation opportunities; and an obligation on employers to re-hire injured workers once they were capable of returning to work.

881. Amendments to the Workers' Compensation Act in 1994 provided for vocational rehabilitation services and set out the medical information required to be provided regarding the worker's ability to return to work, and mandated the worker's consent to release of the information.

882. An inflation adjustment formula was adopted as the indexing factor to adjust compensation payable under the Workers' Compensation Act. Known as the Friedland formula, it provides for 75 per cent of the Consumer Price Index increase, less 1 per cent (with a cap of 4 per cent).

883. The 1994 amendments also provided for increases in the pensions of older injured workers.

Article 8. Trade union rights

Restrictions on trade union rights

884. Members of police forces can only join trade unions or affiliated organizations if membership is required for secondary activities that do not constitute actual or potential conflict with the member's job or interfere with or adversely affect the performance of the member's duties. Consent of the chief of police is required for membership. However, the majority of

members of police forces can engage in bargaining, conciliation and arbitration through a bargaining committee or association. Members of police forces were not permitted to withhold their services.

885. Full-time firefighters are not prohibited from joining a trade union but they are not governed by the Ontario Labour Relations Act. The Fire Departments Act sets out the procedures and rights for bargaining in the case of full-time firefighters. Matters still in dispute after bargaining sessions with the trade union are referred to a board of arbitration for determination. While there is no express right to strike, neither is there an express prohibition. Any strike would be governed by the common law and subject to judicial determination.

886. Further information on article 8 can be found in the Ontario portion of Canada's most recent report regarding the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).

Article 9. Right to social security

Social security

887. Ontario provided "Family Benefits" as a Social Security provision as a province in Canada. The following table reflects the numbers and statistics with regard to persons in financial need and who are in receipt of Family Benefits or General Welfare Assistance (GWA) in the categories noted. The most recent figures are provided for the 1994/95 fiscal year ending 31 March 1995.

Category (Class)	Total number	Average social assistance ($/mo)	Total 1994/95 expenditure (million $)
Sole support parents	198 571	1 064	211
Dependent children	575 000	Included in parent's monthly cheque	Included in the total for sole support parents
Handicapped children's benefit (special benefit)	10 500	Range: 25.00-375 Average: 250	30.7
Blind, disabled	142 051	769	109
Aged (60-65)	9 374	726	7
* Unemployed employables (GWA)	222 507	687	153
* Temporarily unemployable (GWA)	25 033	676	17
* Permanent ill health (GWA)	10 884	627	7

Note: General Welfare Assistance (GWA) is short term, delivered primarily by the municipalities and First Nation communities. Ontario cost-shares 80 per cent for the basic allowances and benefits.

888. Ontario provided a number of benefits in addition to the monthly financial allowance such as:

(a) Basic coverage for prescription drugs, prescription eyeglasses, hearing aids and dental care;

(b) Extra funds for children starting back to school;

(c) Adult recipients could access the "Supports to Employment Program" (STEP) calculations which provided for the retention of earned income/training allowances and deductions for certain employment expenses such as child care;

(d) Child care was subsidized for employees on social assistance and low income;

(e) Counselling was available to assist recipients to access training and employment;

(f) A "Start Up Benefit" for appropriate clothing and shoes, etc. was available to assist a recipient when starting a job;

(g) A monthly "comfort" allowance was provided to indigent persons in long-term hospital stays plus a "Community Start Up Benefit" when they left hospital/halfway house;

(h) Subsidized housing was often available for recipients.

Social security and women

889. The Pension Benefits Act, 1987 and subsequent regulations and amendments provided greater protection for surviving spouses, and made a number of amendments to pension provisions to increase access by women to pension coverage. In 1989, 37 per cent of women in Ontario were covered by private pension plans, compared with 51 per cent of men.

890. Pensions are more prevalent in unionized settings, among higher-income earners in larger firms and in the following sectors: public, manufacturing, transportation, communications, utilities. The gap in pension coverage for women was partly attributable to their concentration in lower income categories where coverage was low for both men and women. Women make up the majority of part-time workers, and part-time workers were less likely to have pension or other benefits. Women's lower earnings also result in less discretionary income to put towards private retirement savings.

Changes in rights to Social Security

891. As of 1 January 1995, there were 1,324,000 persons in Ontario who were the beneficiaries of social assistance, including spouses and children. Social assistance rates increased in the period from 1989 to 1994, despite government-wide cost reduction.

Response to the concerns of the Committee on Economic, Social and Cultural Rights in the concluding observations, Part D

(i) Regarding the existence of poverty in Canada and the lack of substantial progress in reducing poverty over the past decade

892. It is the government's goal to reform the welfare system into an active, mandatory work for welfare programme focused on getting people back to work. The government's commitment includes an investment in new and innovative programmes to help people become independent. The government is committed to programmes such as "Workfare" and "Learnfare" to link welfare with work and education, as well as special programmes for children in need. The government's work for welfare programme will help to alleviate poverty by helping parents and young people on social assistance break their dependency on welfare and become self-sufficient.

893. Ontario's welfare offices are currently being reoriented toward connecting recipients with work or training leading to employment. In addition, the province continues to provide support programmes and services for people on social assistance with specialized employment needs, to help them find work and get the skills they need to move into the workforce.

894. Social assistance rates are above the national average, and recipients can earn more money at part-time jobs and still receive assistance. The government is further enhancing support and services to employment by restructuring existing programmes and creating more cost-effective models to help people get back to work.

895. In addition, Ontario is also developing a guaranteed support plan for seniors and persons with disabilities. This will take seniors and persons with disabilities out of the welfare system and will meet their needs and protect their benefits through a separate programme. The guaranteed support plan will serve clients better through automation and a comprehensive application process that eliminates unnecessary retesting once the client is on the programme.

(ii) Regarding poverty among single mothers and children

896. The province continues to commit significant resources to services for the promotion of the health and well-being of single mothers and children.

897. In addition to the reform of the social assistance system referred to above, the government of Ontario committed up to $5 million this year in start-up funding for a provincial child nutrition initiative. This funding will be used to help parents and groups set up or expand local nutrition programmes.

898. Other supports to children in need include coverage for dental care, vision care and some prescribed drugs. Additional supports include back to school allowances, winter clothing allowances and allowances for special diets, where required.

899. The government is committed to developing a child-care system that offers quality and affordable child-care choices for parents. As part of the 1996/97 budget, there are plans to increase the investment in child care by a total of $200 million over the next five years. Starting this year, Ontario will spend up to $600 million on child care - the highest level in the history of the province.

900. Child-care fee subsidies are available to low-income single mothers who qualify for assistance to allow them to return to school, undertake job training, or work to achieve economic independence. While fee subsidy assistance is not an entitlement programme, single mothers are a priority group for service.

901. Also, the province continues to spend $61.9 million for essential services for women who are victims of violence including supportive counselling to assist women to access resources in their community such as educational and employment opportunities, helping with parental issues, assisting with financial planning on a reduced budget and advocating for women. These programmes continue to assist parents to become independent and in turn serve as positive role models for their children.

(iii) Regarding families forced to relinquish their children to foster care because of inability to provide adequate housing or other necessities

902. Lack of adequate housing is not included in Ontario's legislative definition of a child in need of protection. Some children who are apprehended due to protection concerns (e.g. physical, sexual and/or emotional abuse, abandonment) may also be living in situations characterized by a lack of housing or other necessities; however, the protection concerns would prompt the apprehension.

903. Should families seek a foster care placement for reasons related to lack of housing or other necessities, the children's aid society would work with the parents to access resources that would enable the family to stay together (e.g. emergency housing, better budgeting, financial management skills, charitable organizations, etc.) or enable the children to remain within the extended family (grandparents, aunts, uncles) or community (friends, neighbour, teacher) among care givers who are known to them.

(iv) Regarding the absence of a plan for people on social assistance to receive a minimum income that puts them above the poverty line

904. Social assistance rates are calculated to meet the basic needs of individuals and families in Ontario. On average, Ontario rates are 10 per cent higher than those of other provinces. An allowance is calculated based on individual circumstances to meet the basic food, clothing and shelter needs of recipients.

905. No statistical data have been compiled to compare current social assistance rates with Canadian poverty standards. The Government is committed to ensuring that people in need receive adequate benefits and encourages

recipients to work by allowing earnings exemptions under the Supports to Employment Program, including higher exemptions for families with children.

Article 10. Protection of families, mothers and children

Age of majority

906. The Ontario Human Rights Code provides protection for persons over the age of 18, and also provides for the right of persons between the ages of 16 and 18 who have withdrawn from parental control to contract for necessities.

907. Under the Ontario Child and Family Services Act (CFSA), a child is "a person under the age of eighteen years".

908. However, Part III of the CFSA, which deals with child protection, stipulates that a child "who is actually or apparently sixteen years of age or older" is not covered by Part III "unless the child is the subject of an order under this part". In other words, for protection purposes, a child was no longer a child after the age of 16.

909. Under Part IV of the CFSA providing for responsibility for young offenders, a "young person" is a child who is 12 years of age or more but under 16 years of age. Young offenders between the ages of 16 and 18 are dealt with by the Ministry of the Solicitor General and Correctional Services under separate legislation.

910. Other legislation in Ontario sets some other age limits for a "child" where appropriate (for example, the right to obtain a driver's license is limited to those over age 16, and the right to drink alcoholic beverages, purchase tobacco, or enter casinos is limited to those over age 19).

Families

911. The Day Nurseries Act, most recently amended in 1990, establishes certain standards for the operation of day nurseries.

912. A day nursery is a facility where children are temporarily cared for, while parents work, study or seek employment. Day nurseries are not mandated programmes, and they operate in a market-driven system. Some communities have many day nurseries, while others have none.

913. Standards of care are enforced through the licensing of operators of day nurseries. Licensed operators are inspected annually to ensure compliance with the legislation and with any conditions attached to their licence. Failure to comply may result in revocation of a licence.

914. The Day Nurseries Act permits payment of fee subsidies to parents of children not of common parentage deemed to be "in need". Fee subsidy levels are set by regulation on the basis of approved budgets and within existing finances. Fee subsidies are delivered through municipalities and are dependent on cost-sharing agreements and availability of funds. Subsidies are provided on the basis of a "needs test" but eligibility does not guarantee accessibility.

915. The impetus for the past few years has been to encourage the development of inclusive child care programmes. Children who were physically or developmentally handicapped could participate equally in child care programmes. Subsidies endeavour to ensure that children are not denied child care due to parents' financial difficulties, and parents are needs tested to determine eligibility for fee subsidies.

916. The Family Support Plan Act, 1992, replaced the Support and Custody Orders Enforcement Act of 1987. The Family Support Plan, a government office, was established to ensure that non-custodial parents recognized and fulfilled their support obligations to their families so as to maintain the well-being and quality of life of their children. In fiscal year 1994/95, the Family Support Plan collected $367 million in support obligations, including $45 million returned to the Treasury for funds previously paid out to families as social assistance.

917. Between 2 July 1987 and 30 September 1994, $519.1 million were collected and disbursed to support recipients under the two legislative schemes.

Maternity protection

918. 1990 amendments to the Employment Standards Act increased pregnancy and parental leave to provide 18 weeks of unpaid parental leave to each working parent to care for newborn or newly adopted children, in addition to the 17-week pregnancy leave for mothers. The qualifying period was reduced from 1 year and 11 weeks to 13 weeks. The employer was required to make employer contributions to benefit plans. Seniority continues to accrue during these leaves and, following the leave, the employee has the right to be reinstated to the same position if it exists, or to a comparable position if it does not.

919. In addition, the Public Service Act provides public servants with supplementary financial benefits during maternity leave.

Regarding protection of children in need

920. Children can be apprehended by children's aid societies if they are in need of protection. The Child and Family Services Act defines a child in need of protection as follows:

(a) The child has suffered physical harm, inflicted by the person having charge of the child or caused by that person's failure to care and provide for or supervise and protect the child adequately;

(b) There is substantial risk that the child will suffer physical harm as described in clause (a);

(c) The child has been sexually molested or sexually exploited by the person having charge of the child or by another person, where the person having charge of the child knows or should know of the possibility of sexual molestation or exploitation and fails to protect the child;

(d) There is substantial risk that the child will be sexually molested or exploited as described in clause (c);

(e) The child requires medical treatment to cure, prevent or alleviate physical harm or suffering, and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable to consent to the treatment;

(f) The child has suffered emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour, and the child's parent or person having charge of the child does not provide, or refuses or is unavailable or unable to consent to services or treatment to remedy or alleviate the harm;

(g) There is substantial risk that the child will suffer emotional harm of the kind described in clause (f), and the child's parent or person having charge of the child does not provide, or refuses or is unavailable or unable to consent to services or treatment to prevent the harm;

(h) The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development, and the child's parent or person having charge of the child does not provide, or refuses or is unavailable or unable to consent to treatment or alleviate the condition;

(i) The child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody;

(j) The child is less than 12 years old and has killed or seriously injured another person or caused serious property damage to another person's property; services or treatment are necessary to prevent a recurrence and the child's parent or person having charge of the child does not provide, or refuses or is unavailable or unable to consent to those services or treatment;

(k) The child is less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately;

(l) The child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is 12 years of age or older, the child's consent to be dealt with under the child protection provisions of the Child and Family Services Act.

921. Should any of the above circumstances apply, the children's aid society investigating the matter need not necessarily take the child into care, either voluntarily or by court order. There are a number of other options that can be considered, given the individual circumstances of the child and family, such as supervision by the children's aid society, while the child remains in the home; provision of intensive support services to the family; placement of a home maker within the home; and counselling/therapy.

922. Where the agency has reasonable grounds to believe that protection of the child requires removal of the child from the family home, this can be done without the parents' permission. However, if the parents do not subsequently agree to residential care of their own accord, the children's aid society must take the matter to court for a formal hearing. If the child is found by the court to be in need of protection, the court will make an order transferring care and custody to the children's aid society.

923. Parents could decide to voluntarily relinquish care of their children in any of the situations described above.

924. Other circumstances that may prompt a temporary relinquishment could include the following: the child needs a residential form of treatment/care which the parent is unable to provide/access; the parent is having serious difficulty managing the child's behaviour at home and it is determined that a residential placement would be in the best interest of all concerned; parents are unable to care for their children for a period of time due to ill health, alcohol or drug addiction, conflict with the law or unemployment.

925. Parents may also voluntarily relinquish their child on a permanent basis, if they make the decision to give the child up for adoption. The factors behind such a decision are diverse, but may include the young age of the birth parent, an acknowledgement that the birth parent is not ready/capable of parenting a child, and concern for the best interests of the child.

926. Child welfare services are provided by 55 children's aid societies, five of which are designated as Aboriginal Societies. In 1995, there were 27,199 cases of protection and prevention (non-residential) and 9,976 cases of children in care (residential).

927. The Ontario Association of Children's Aid Societies reported the following information for 1994 (information from the five Aboriginal Societies is not included in these statistics):

> 18,650 children were served;
>
> 9,111 children were admitted to care;
>
> 72 per cent of children were in care as a result of a court order;
>
> 55.4 per cent of children in care were placed in foster homes;
>
> 43.1 per cent of children in care were Crown wards (relationships with parents permanently terminated);

at any one time: 40 per cent of cases are open to intake and assessment; 17 per cent of cases are receiving voluntary services; 43 per cent of cases are receiving protection services.

Article 11. Right to an adequate standard of living

Housing expenses

928. In 1993, 29.4 per cent (393,400) of Ontario tenant households paid more than 30 per cent of their household income on rent.

Waiting lists for accommodation

929. As of 31 December 1994 (three months beyond the period covered by this report), there were over 65,245 applicants on the waiting list in Ontario for public housing. Public housing is defined as housing funded and run directly by federal or provincial governments. Statistics are not available on the number of people on waiting lists for private non-profit housing and cooperative housing units.

930. Victims of family abuse were given priority access to public and non-profit housing providers. In addition, providers had the option of giving priority to other applicants who were in urgent need of housing.

931. Ontario unilaterally funded over 30,000 units of non-profit housing between 1990 and 30 September 1994. As well, Ontario introduced policies and legislation to increase the number of affordable private-market housing units across the province and to improve access to those units by prospective tenants.

Housing tenure

932. Based on the 1991 Census, and estimated to 31 December 1993, the following information is available for the reporting period: total households in Ontario: 3.84 million (100 per cent); owners: 2.43 million (63.3 per cent); renters: 1.41 million (36.7 per cent).

933. As of 31 March 1994 (6 months beyond the end of this reporting period), 1,155,000 (81.9 per cent) of renters were in private-market buildings and 255,000 (18.1 per cent) of renters were in social housing - 84,000 in public housing, 130,000 in non-profit housing and 41,000 in other forms of assisted housing.

Legislation concerning the rights of tenants

934. Several statutes provided for matters relating to residential tenancies. As reported in the second report, Part IV of the Landlord and Tenant Act provides residential tenants with security of tenure. A landlord cannot terminate a tenancy unless there is "statutory cause". The Act also provides for ratification of termination in writing, a mandatory period of notice and access to dispute resolution in the courts. In 1994, the Act was amended to apply to residents of permanent, non-seasonal mobile home parks and land-lease communities and to extend to these residents the same rights of security of tenure and protection from eviction in the Act.

935. The Act was further amended to extend its application to residents of nursing homes to provide for the same security of tenure, protection from

arbitrary evictions, protection from excessive rent increases, mechanisms to ensure residences were maintained in a good state of repair, and protection from demolition or conversion of a care home to another use.

936. In 1991, the Mortgages Act was amended to grant tenants protection under the Landlord and Tenant Act, where a property owner had defaulted on a mortgage. Mortgage holders can no longer arbitrarily evict tenants from properties that have been repossessed as a result of a mortgage default.

937. Amendments to the Rental Housing Protection Act in 1994 provided for the security of tenure of tenants by requiring owners of rental accommodation to obtain the approval of municipal council before conversion of a rental property to a non-rental use.

938. The Rent Control Act of 1992 was designed to protect tenants from unjustifiable rent increases and ensure that landlords had sufficient funds to maintain and repair their buildings. Under the Act, a rent control guideline is calculated each year based on the rate of inflation. Landlords can apply to a specialized tribunal for increases above the guideline in specific circumstances. The legislation provides for tenants to apply to have rent reduced under specific conditions.

Building codes

939. The Building Code Act (BCA) and the Ontario Building Code (OBC) set out detailed specifications and minimum requirements for the design and construction of all buildings after 1974. The OBC is the set of regulations created under the BCA. Both were amended in 1993 to prescribe minimum safety standards for the creation/renovation of apartments in houses.

940. Under the Rent Control Act discussed above, tenants can apply to have their rent reduced if it is determined that their building had not been kept up to local property standards by-laws or prescribed provincial maintenance or health and safety standards. In addition, the Act gives powers to issue work orders against landlords of residential buildings which are not in compliance with the regulated Maintenance Standards in the Act. These standards apply in Ontario municipalities that do not have local property standards by-laws.

Legislation prohibiting discrimination in housing

941. The prohibition against discrimination in housing because of receipt of public assistance was added to the Ontario Human Rights Code in 1982. Although the Code generally protects only those over the age of 18, in accommodation the Code protects individuals between the ages of 16 and 18 if they have withdrawn from parental control. The Code also prohibits harassment by landlords, agents of landlords, or other occupants on a number of grounds, including: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, marital status, family status, handicap, receipt of public assistance and sex. In 1986, the Ontario Human Rights Code was amended to extend the protection against discrimination in accommodation on the basis of sexual orientation.

Protection for those living in the "illegal" sector

942. The Residents' Rights Act, 1994 included provisions addressing concerns of tenants living in second units in single family homes which were prohibited by municipal zoning by-laws. These tenants may have been aware of health and safety deficiencies in their units, but were reluctant to complain for fear that they would be evicted by landlords, or by municipal officials.

Environmental planning and health in housing

943. A "Statement of Environment Values" was issued by the Ministry of Municipal Affairs and Housing in 1994 under the Ontario Environmental Bill of Rights, 1994. The Statement sets out the following objectives:

(a) Promoting energy efficiency and water conservation in new and existing buildings;

(b) Promoting a more efficient use of land and public resources (including infrastructure and natural resources) in residential development, including development of government lands suitable for housing;

(c) Undertaking reduction, re-use and recycling within the Ministry's internal operations, and facilitating reduction, re-use and recycling through building regulation;

(d) Promoting efficient use of land and public resources, including infrastructure and natural resources;

(e) Promoting remediation strategies that integrate environmental and socio-economic considerations, and that reflect landowner responsibility, where sites suitable for residential development are contaminated; and

(f) Respecting environmental qualities of proposed residential sites.

944. Amendments to the Building Code Act made in 1990 and to the Ontario Building Code in 1993 promoted increased energy conservation in houses.

Local housing services

945. During the reporting period, Ontario undertook consultations with communities concerning non-profit and cooperative housing, and established new policies for access and resident involvement. Non-profit rental housing in Ontario was developed and operated with government assistance and run on a non-profit basis by community-based, non-profit housing groups which owned it. These local groups included private and municipal non-profit corporations, non-profit cooperatives, charitable institutions (e.g. church groups) and affinity groups.

946. JobsOntario Homes, a non-profit programme, provided government funding to community-based organizations to develop non-profit housing. Two thousand units from the JobsOntario Homes programme were allocated for housing for Aboriginal persons. The Aboriginal component of the programme was designed after extensive consultations with Native groups across the province.

947. The Community Partners programme provided approximately $7.4 million in funding annually to approximately 100 organizations. They operated services to help people find affordable and adequate housing, organize tenant associations and federations, conduct community education activities on people's housing rights and responsibilities, conduct leadership training, carry out advocacy for housing improvements, and undertake special projects on pressing housing topics.

Affordable housing

948. Several Ontario programmes provided funding for new non-profit rental units. These government-funded units were designed for needy people with housing problems such as (i) paying more than 30 per cent of their income on rent; (ii) living in overcrowded housing; and (iii) living in housing in need of major repair.

949. The Innovative Housing Project was designed to encourage community-based groups to build affordable ownership homes in the private sector. During the reporting period the Government established a $50 million fund to help moderate and lower-income individuals and families (who had been unable to access conventional financing) buy homes through community-based non-profit initiatives.

Underutilized land

950. Surplus Ontario government land was made available during the reporting period to accommodate a range of housing types, including non-profit housing and affordable housing.

State financial information

951. Housing-related expenditures by the Ontario government in 1993/94 were slightly under $3.8 billion. This represented 7.1 per cent of the Ontario budget (operating and capital expenditures) of $53.48 billion in 1993/94. This figure does not include housing-related expenditures of $621 million by the federal Government in Ontario. Of the $3.8 billion, $854 million were spent directly on social housing. Ontario spent an additional $2.34 billion on shelter allowances for low-income households. An estimated $500 million in property tax credits were also given to low-income households.

Homelessness

952. The numbers of homeless people are not collected, although estimates are put forward by various advocacy groups and service providers. Because of differing interpretations of who is homeless and the mobility of many of those people, there is no reliable estimate of the number of homeless people in the province.

953. The primary service provided for people who are homeless is the hostel system funded by social assistance.

954. Most large and medium-sized communities have agreements with agencies to provide emergency and long-term shelter and basic needs to homeless people,

with the costs paid out of General Welfare. Costs are shared, with the municipality paying 20 per cent and the province paying 80 per cent. There are approximately 9,000 hostel beds in Ontario, at a total cost of approximately $68 million in 1994/95.

955. Hostel clients only need to show that they are in need as determined by the social assistance system. Hostel clients include single men and women, families, youth, women and children, and elderly people who do not need nursing care.

956. People without a fixed address are eligible for social assistance. With identification, homeless people are eligible for many government benefits including health care, social assistance, and drug and dental benefits.

Article 12. Right to physical and mental health

957. In 1990, 60 per cent of Ontarians surveyed considered their health to be good or excellent. However, the self-ratings of health status varied across age groupings, household income and education. Nearly one in four Ontarians aged 65 and over rated their health as only fair or poor when they compared their health to that of other people their own age. Twenty-one per cent of those with lower household income and 23 per cent of those with primary education or less rated their health to be fair or poor. Nearly two out of three persons experienced one or more health problems in the previous year, but the majority of these problems appeared to last less than two weeks and did not result in lasting impairments or disabilities.

958. From 1990 to 1992, the age-standardized mortality rate of Ontarians dropped from 535 deaths per 100,000 population in 1990 to 500 in 1992. Males had a higher mortality rate than females. Neoplasms, ischemic heart disease and respiratory illness were the main causes of death. The mortality rates of neoplasms decreased from 148 deaths per 100,000 in 1990 to 142 in 1992; ischemic heart disease from 124 in 1990 to 114 in 1992; and respiratory illness from 41 in 1990 to 38 in 1992. Standard morbidity ratios also decreased from 115.30 hospital separations per 1,000 population in 1990 to 110.17 in 1992, with circulatory, respiratory and digestive diseases, childbirth and neoplasms the main causes of hospitalization. Similarly, the infant mortality rate also dropped from 6.27 deaths per 1,000 live births in 1990 to 5.88 in 1992. Life expectancy for all Ontarians is 76.34 years at birth and 4.46 at age 90 and over. Although mortality and morbidity rates decreased from 1990 to 1992, the number of potential years of life lost had increased from 366,726 in 1990 to 371,838 in 1992. Premature mortality due to neoplasms, accidents and heart disease contributed to 60 per cent of the total potential years of life lost in 1990 and 63 per cent in 1992.

959. In 1990, 19 per cent of Ontarians between 15 and 64 years of age surveyed had at least one mental disorder within the past year. The late-adolescent and young-adult group is especially affected by mental disorder with almost one quarter of this age group having at least one mental disorder in the past year. The prevalence rates of mental disorders in general are similar for men and women, 13 per cent and 15 per cent respectively. Among women, the most common conditions are anxiety disorders and affective disorders, while substance-abuse disorders and antisocial

behaviour are more common among men. The survey also found 2 per cent of Ontarians with severe mental illness. They were persons who had a diagnosis of mental disorder, had evidence of disability, and were admitted to hospital for treatment due to mental health problems.

960. In Ontario, the suicide rate for men was 14.09 per 100,000 population in 1990 and 14.82 in 1992, compared with 4.31 in 1990 and 3.91 in 1992 for women.

Access to safe water

961. As of 30 September 1994, out of a provincial population of approximately 10.15 million, 8.5 million were served by municipal/"piped" water. The remaining 1.65 million were on private supplies. Many of these were tested by the province, in particular for bacteriological contamination. Ontario has Drinking Water Objectives developed through the federal-provincial process, as well as Ontario's own initiatives.

Access to sewage treatment

962. As of 30 September 1994, approximately 80 per cent of Ontarians had access to sewage treatment facilities through communal plants. The remaining 20 per cent had access to individual systems such as septic tank systems and pit privies.

Infants immunized

963. Ontario provides vaccines against diphtheria, pertussis, tetanus, poliomyelitis and Haemophilus influenzae disease free of charge for infants. Immunization rates for children under 1 year of age during the reporting period are not available. Measles, mumps and rubella vaccine was not administered until after the first birthday. Vaccine against tuberculosis was not routinely administered in Ontario.

964. Immunization rates are available for children entering school and are known for 2-year-old children based on survey data. However, data for 2-year-olds are not available for the period indicated nor could they be disaggregated by urban/rural or by sex.

Access to trained personnel by pregnant women

965. Boards of Health are required, under the Mandatory Health Programs and Services Guidelines, to provide early pregnancy prenatal classes, individual assessment, counselling and referral to early prenatal medical care and to ensure that health programmes and services are accessible to all. Some women, however, have not accessed those services for reasons such as distance to the service, lack of transportation, language, cultural reasons, etc.

Access of infants to trained personnel

966. Because almost all deliveries are attended by trained personnel (e.g. physician, midwife or nurse), almost all infants would have access to trained personnel for care. As well, under the Mandatory Health Programs and Services Guidelines, Boards of Health are required to provide or ensure the provision

of health education to parents. This may include postnatal home visits as soon as possible but no later than four weeks after the infant's discharge from hospital.

Groups whose health situation is significantly worse than that of the majority of the population

967. Children's mental health falls within the mandate of the Ministry of Community and Social Services. The Ontario Child Health Study, a province-wide survey of the psychiatric health of children aged 4 to 16 was conducted in 1983. The results of this study are still widely considered relevant today.

968. The study found that some groups of children are considered at risk for different forms of childhood problems. Among the risk indicators, one-parent family was the most common, followed by social assistance and subsidized housing. These risk indicators were strongly associated with each other. For instance, the rate of social assistance in one-parent families was 41.1 per cent, while the rate of social assistance in two-parent families was 2.2 per cent. Similarly, 50 per cent of children in subsidized housing were living in families on social assistance.

969. The study also found that children in urban areas were significantly more likely to have one or more disorders than children in rural areas. Welfare was 1.7 times as frequent, single parenting was more than twice as frequent, and virtually all subsidized housing is in urban settings. The highest prevalence was found in the predominantly urban central and south-west regions.

Measures to improve the physical and mental health situation of vulnerable and disadvantaged groups

970. In Ontario, a variety of children's mental health services are designed to alleviate a range of emotional, behavioural and psychiatric problems experienced by children and their families. Some of these services involve planned interventions based on multidisciplinary professional approaches, and others are provided under the supervision of a psychiatrist.

971. Ontario also funded a range of community-based services for children at risk including infant development services, support and residential services to teen mothers, parent relief programmes, family service workers, and community and/or family resource centres. These prevention programmes were designed to intervene before problems arose.

972. During the reporting period, Ontario investigated a model of prevention known as "Better Beginnings, Better Futures". This model is designed to prevent poor child development and focuses on children aged 0-8 years, at risk of emotional, behavioural, social, physical and cognitive problems. The model was demonstrated in seven disadvantaged urban neighbourhoods and five First Nations communities, reaching over 4,000 families with young children. A project to meet the specific needs of Francophone children in the city of Cornwall was included in the pilot projects.

973. The Government of Ontario recently announced its intention to commit $10 million annually to support expectant mothers and families with children under six years of age, especially those who would otherwise be at risk.

Infant mortality

974. Objectives under the Mandatory Health Programs and Services Guidelines, Reproductive Health Section, include:

(a) Reducing the perinatal mortality rate to 6 per 1,000 births by the year 2000;

(b) Reducing the low birthweight rate (under 2,500 g) to 4 per cent by the year 2000;

(c) Increasing the percentage of planned pregnancies;

(d) Increasing the practice of behaviours conducive to a healthy pregnancy in people of reproductive age.

975. Boards of Health provide health promotion programmes that contributed to preconceptional health, early pregnancy prenatal education classes, individual assessment, counselling and referral to early prenatal medical care.

Environmental and industrial hygiene

976. Measures to improve environmental and industrial hygiene taken during the reporting period include:

(a) Clean Water Regulations, developed under the Municipal Industrial Strategy for Abatement, provide significant reductions in discharges of conventional parameters and toxic substances;

(b) Creation of the Ontario Clean Water Agency to work with municipal and private-sector partners to promote water conservation and upgrade water and sewer infrastructure. A government investment of $350 million was announced for new water and sewage works;

(c) Development of a process of watershed management to ensure that the decisions and activities of institutional infrastructure are made within an enhanced ecological context;

(d) A successful programme to reduce emission from four major Ontario sources of sulphur dioxide and meeting targets set by the Canada/U.S. Air Quality Agreement for sulphur dioxide and nitrogen oxide emissions from each electric utility unit greater than 25 MW;

(e) Regulations to prohibit or control ozone-depleting substances;

(f) The involvement of Ontario residents in environmental decision-making through the Environmental Bill of Rights in 1994. This Act provided for a process of public participation in environmentally significant decisions made by the Government, increased access to the courts by members of the public for the protection of the environment, enhanced protection for employees who took action with respect to environmental harm and increased accountability for environmental decision-making. The Intervenor Funding Project Act, 1989, also provided for funding of public interest intervenors in hearings before boards assessing environmental and energy-related matters;

(g) Waste management legislation and programmes that reduced the disposal of contaminants into the environment, including mandatory municipal recycling and composting activities, and enhanced powers to make regulations for waste reduction, reuse and recycling. Ontario achieved its goal of 25 per cent waste reduction in 1992 compared with a 1987 base year. Its goal is 50 per cent diversion of waste by the year 2000;

(h) Designating the Niagara Escarpment as an International Biosphere Reserve;

(i) Increasing penalties for polluters.

Article 13. Right to an education

Access to primary education

977. Public elementary and secondary education is available without fee in English and French for 11 years from age 4. Schooling for 4- and 5-year-olds is optional. Other schooling is compulsory to age 16. Students can attend publicly funded schools, private schools, have home instruction, or enrol in distance-education courses. During the 1993/94 academic year, there were a total of 1,333,919 students enrolled in 4,376 elementary schools; 51.5 per cent of students were male and 48.5 per cent were female.

Secondary education

978. During the 1993/94 academic year, there were a total of 708,791 students enrolled in 799 secondary schools; 51.4 per cent were male and 48.6 per cent were female. Of this total, 14.3 per cent were 19 years of age or older. As well, distance education through the Independent Learning Centre served 89,607 students who wished to complete their secondary school education, improve their basic skills, or study for personal development. During 1993/94, the Centre served 89,607 students of whom 39 per cent were male and 61 per cent were female. Students served by the Centre ranged in age from under 15 years to over 65. Such secondary education is available free of charge.

Access to higher education

979. There is general access to post-secondary education, subject to a screening process based on previous academic performance. Although post-secondary institutions are supported by public funds, students are

required to pay tuition fees, whose costs vary depending on the institution and the programme. Student grants are available for academically outstanding students, and student loans are available for those in financial need. For information on Francophone colleges of applied arts and technology, please see paragraph 861.

Adult education

980. For adults who have not completed fundamental schooling, courses in adult basic literacy and numeracy are offered by school boards, colleges of applied arts and technology, and community organizations. A number of courses are initiated through labour unions or employers and delivered in the workplace. In the 1994/95 school year, approximately 53,900 students were enrolled in such courses. In addition, 1,256 students were enrolled in basic literacy distance education courses (see above, paragraph 862). Literacy programmes have also been developed to meet the needs of the Francophone community in Ontario.

Difficulties in realizing the right to education

981. Despite the fact that there was a variety of literacy-delivery agencies, there continued to be waiting lists for literacy programmes in Ontario.

982. In recent years, there has also been a growing recognition that education outcomes for Aboriginal (indigenous), and racial and ethnocultural minority students have not always been equitable. Aboriginal students and students belonging to some racial minority groups tend to be overrepresented in basic-level programmes in secondary school and have higher drop-out rates compared with other students.

983. During the reporting period, the Ontario Government passed legislation requiring all school boards to develop antiracism and ethnocultural equity policies. The legislation was meant to address the removal of existing systemic biases and barriers adversely affecting the achievement of Aboriginal, racial and ethnocultural minority students.

984. The Royal Commission on Learning was established in May 1993 with an 18-month reporting time. Its mandate included a review of the four broad areas of accountability, governance, programme (curriculum) and a shared vision for elementary and secondary education in Ontario.

985. Statistical information for fundamental education is found in the following table:

	Graduation rates			Drop-out rates		
	Year	Male	Female	Year	Male	Female
Elementary		Data not collected at this level				
Secondary	1992/93	74%	82%	1991/92	5.9%*	6.05%
Continuing education		Included in secondary graduation figures			n/a	n/a
Adult literacy	1993/94	60,000 clients served			n/a	n/a
Colleges of applied arts and technology	1992/93	41.7%	58.3%		n/a	n/a
University system	1993/94	43.9%	56.1%		n/a	n/a

* Annual early school leavers include students (aged 16-18) enrolled in a public or Roman Catholic secondary day school in the school year, who have not earned a diploma in the current year or in previous years and did not proceed to an educational institution in Ontario in the following school year.

986. According to a 1989 Statistics Canada survey, 62 per cent of Ontarians had the necessary literacy skills needed for everyday life. About half were male and half female. In Ontario, of the immigrants to Canada who had a first language other than English or French, 34 per cent had adequate literacy skills in English. In 1993/94, approximately 60,000 persons were enrolled in 800 adult literacy programmes supported by the Ontario Training and Adjustment Board. Particular targets of the programmes were the four equity groups (Aboriginal peoples, persons with disabilities, racial minorities and women) and social assistance recipients.

State financial information for education

987. In 1994, of a provincial budget totalling $53.7 billion, Ontario spent $13.8 billion on education at the elementary and secondary levels. Two million learners were being taught by 120,000 teachers at 3,973 elementary and 799 secondary schools across the province. Provincial government support for 1994 was $5.8 billion, of which $300 million were capital grants allocated to build or renovate schools; $8 billion were levied by school boards from their local tax base.

988 There are two publicly funded school systems: one non-denominational, the other a separate, Roman Catholic school system. At the local level, the system was operated by 168 school boards accountable to the public through elected trustees.

989. Scheduling of the school calendar is up to local school boards, but provincial regulations stipulate that the school year must consist of a minimum of 185 instructional days. The length of the instructional programme of each school day for students of compulsory school age is not less than five hours.

990. The school year begins in early September and ends in June. Apart from designated statutory holidays, schools are required to close for a minimum of 14 consecutive days' vacation beginning in late December and for five consecutive days in March.

991. In 1993/94, a total of $1,686,000,000 was spent by colleges of applied arts and technology; $821 million or 48.9 per cent of this amount was in the form of operating grants from Ontario. Funding for skills training and continuing education was also received from the federal and provincial governments, student tuition fees and private-sector support.

992. In addition to school boards and colleges, there are 24 publicly funded universities or university-level institutions. In 1993/94 there were 230,857 full-time students in such institutions in Ontario, of whom 55 per cent were women and 45 per cent were men. Part-time students totalled 99,700 of whom 61 per cent were women.

993. Total revenues for the universities and related institutions amounted to $4,177,000,000 in 1993/94. Half of this amount came from provincial transfer payments. An additional $1,217,000,000 of revenues was derived from other sources, including sponsored research from all levels of government and private donations.

994. In addition to publicly funded post-secondary institutions, there are private vocational schools.

995. Access to education for the school year 1993/94, by gender, is given in the following table:

Access to the education system (1993/94)	Male (% of enrolment)	Female (% of enrolment)
Elementary schools	51.5	48.5
Secondary schools	51.4	48.6
Distance education	39.0	61.0
Adult literacy programmes	50.0	50.0
Colleges of applied arts and technology*	48.5*	51.5*
Universities	45.0	55.0
Private schools (elementary and secondary)	52.4	47.6.

* Statistics available for 1992/93 only.

Vulnerable groups

996. The education system in Ontario worked during the reporting period to ensure the equitable treatment of students of all groups, including both genders. School boards were required to offer special programmes for students with identified physical, intellectual, behavioural, communicational, and multiple exceptions. To assist new immigrants, many school boards, supported by funding from the Government, offered English as a second language (ESL) classes, both for children and adults. In 1993/94, of students with a first language other than English or French, 77,800 received ESL instruction in elementary and secondary schools. A total of 30,946 adults received ESL or French as a second language (FSL) instruction in Ontario. In recognition of added costs faced by some school boards because of their geographic location, the social or economic disadvantage of their communities or the particular needs of their students, special grants were provided. As well, funding was provided to school boards for selected curriculum projects to promote gender equity.

997. At the post-secondary level, colleges of applied arts and technology received a Special Needs Allocation to help them provide support services to accommodate students with special needs. In 1993/94, the colleges received $6.3 million for this purpose. As well, $4.9 million were provided to universities to improve access to universities for persons with disabilities.

Action to promote equal access to education

998. During the reporting period, apart from requiring school boards to have mandatory anti-racism and ethnocultural equity policies, Ontario sought to ensure that the perspectives of minorities were taken into account in the policies of post-secondary institutions by requiring colleges and universities to have governing boards that were representative of the diversity of Ontario society. In the 1993/94 and 1994/95 school years, special funds were allocated to encourage Aboriginal people and members of racial and ethnocultural minorities to enter the teaching profession. Initiatives to improve access to education for Aboriginal people were also developed and funded.

999. A system of Prior Learning Assessment began to be implemented in Ontario colleges so that credits could be awarded for past learning and life experiences.

1000. To improve access to education for Aboriginal people, the Ministry of Education and Training was involved in two initiatives. The Community-Based Demonstration Pilot Projects, which promoted Aboriginal-specific community-based initiatives to improve the retention rate in school of Aboriginal students, were completed. Special funding has been provided through a competitive process to Ontario's colleges and universities to support Aboriginal-specific programmes and a student support system.

Language facilities

1001. In Ontario, both English and French, the two official languages of Canada, are instructional languages. While the majority of school boards are English speaking, there are four French-speaking school boards and 73 French minority language sections in a number of English-speaking school boards in which the language of instruction was French. The Education Act provided that every pupil with rights under section 23 of the Canadian Charter of Rights and Freedoms has the right to receive elementary and secondary instruction in French. Programmes are also available for International Languages and Native as a Second Language.

Conditions of teaching staff

1002. In Ontario, teaching at all levels is considered to be a professional occupation. With few exceptions, teachers in Ontario are not civil servants, but are employees of school boards or private schools. Terms and conditions of employment are usually defined by collective agreements negotiated with the school boards. Generally speaking, the salary range for teachers is very competitive as compared with that of civil servants.

Private schools

1003. There are 550 private elementary and secondary schools in Ontario. Private schools are required to file a "Notice of Intention to Operate". Private schools are alternatives to the publicly funded school system. Private schools offering a secondary school diploma are inspected by the Ministry of Education and Training to ensure that courses offered meet Ministry guidelines. At the post-secondary level, there are approximately 310 private vocational schools. As well, 13 privately funded schools have been granted restricted degree-granting authority in theology.

Article 15. Right to take part in cultural life and enjoy the benefits of scientific progress, and the protection of authors' interests

1004. The availability of funds for promotion of cultural development is given in the following table:

Programmes - operating support	Expenditure			
	Year ended 31 March 1991	Year ended 31 March 1992	Year ended 31 March 1993	Year ended 31 March 1994
Culture Heritage conservation . Heritage administration	$12 579 036	$12 010 986	n/a*	
Cultural development and institutions			n/a	n/a
. Arts support	$8 354 777	$8 339 646		
. Cultural industries/agencies	$192 206 276	199 913 333		
	$200 561 053	$208 252 979		
Libraries and community information centres			n/a	n/a
. Library services	$42 163 906	$44 568 903		
. Community information	1 486 420	1 618 655		
	$43 650 326	$46 187 558		
	$256 790 415	$266 451 523	$271 883 414	
Archives	$4,561,462	$4,985,130	$4,732,963	n/a

* The annual report for the Ministry of Culture, Tourism and Recreation for 1993/94, which was responsible for this sector, was not available as of the date of this report.

Institutional infrastructure

1005. During the reporting period, Ontario developed policies and operated programmes related to arts support, heritage conservation, and libraries support and management. It also liaised with cultural agencies and industries.

1006. Some of Ontario's cultural agencies are:

> The Art Gallery of Ontario (AGO), which ranks in the forefront of Canadian art museums with a permanent collection of over 16,000 works. In addition to its permanent collection and temporary exhibits, the AGO provides a wide variety of educational and other special programmes about art;
>
> The Royal Ontario Museum, the second largest museum in North America, housing a collection of over six million artefacts;
>
> The McMichael Canadian Art Collection, which houses one of the most important collections of Canadian art in the world, focusing on the Group of Seven and their contemporaries, and on Indian, Inuit and Métis art;

The Ontario Science Centre, an interactive display of science and technology exhibits and educational programmes;

Science North, which provides stimulating learning opportunities and experiences focusing on the relationship between science and technology, and everyday life in northern Ontario;

CJRT-FM Incorporated, a non-commercial, cultural and educational radio station;

TV Ontario, a non-commercial television network dedicated to educational broadcasting in both English and French;

The Ontario Arts Council, which promotes and assists the development of the arts and artists in Ontario through grants. It also organizes conferences and trade shows and provides advice and services to the arts community;

The Ontario Film Development Corporation, which fosters growth, investment and employment in Ontario-based private-sector film companies and projects;

The Ontario Heritage Foundation, which fosters increased public participation in heritage and conservation activities;

The Royal Botanical Gardens, a scientific and research institution offering a full range of educational programmes in horticulture, natural history and related arts and crafts;

The Archives of Ontario, dedicated to preserving and making accessible Ontario's documentary heritage.

1007. In addition, Ontario supported 38 arts service organizations and 12 heritage organizations through a variety of programmes.

1008. Non-capital funding for the arts for 1991-1995 is given below:

1991/92	$15,187,639
1992/93	14,595,739
1993/94	12,184,100
1994/95	12,041,000

Capital funding is provided for community-based projects to restore built heritage.

1009. The capital funding for 1990-1995 is given below:

1990/91	$1,781,000
1991/92	1,513,000
1992/93	1,354,650
1993/94	600,000
1994/95	600,000

1010. All people of Ontario also had access to public libraries and community information centres through grants.

Promotion of cultural identity

1011. All programmes are open to all cultural groups to express their identity and preserve their cultural heritage through arts and cultural expressions. Grant programmes were altered during the reporting period to allow participation from a wider range of cultural groups, including indigenous groups, to reflect the importance of cultural diversity.

Preservation of cultural heritage

1012. All heritage programmes enable the organizations to research, preserve, interpret and make accessible to the public, various aspects of Ontario's heritage, including those aspects relating to the cultural identity of the diverse groups living in the province.

1013. Ontario's Heritage and Planning Act promotes the identification and protection of cultural heritage resources through community participation and stewardship, policy development and designation.

Professional education

1014. Numerous colleges and universities offer degrees in fine arts or specialized programmes in the arts and culture, as do specialized institutions such as the Ontario College of Art, the National Theatre School and the National Ballet School.

Other measures

1015. Community-based organizations delivering services and programmes to newcomers and indigenous groups were supported through grants. Grants established during the reporting period included:

(a) The Wife Assault Prevention Educational Grant Program established in 1992/93 to assist community organizations to develop educational projects and resources that provided wife-assault victims from culturally and racially diverse backgrounds with information on services in their communities. The Program also funded cross-cultural communication training and resource development to support professionals who worked with racial and ethnic minority wife-assault victims;

(b) The Multilingual Access to Social Service Initiative assists newcomers, particularly those who are victims of wife assault, to gain access to appropriate services;

(c) The Multicultural Workplace Program helps workplaces to respond to the needs of a culturally diverse workforce;

(d) The JobsOntario Community Action Program funded community development assistance, development of local enterprises through community loan funds and community investment share corporations and community capital assistance for economic development. The JobsOntario Community Action Aboriginal Program is an Aboriginal-controlled initiative;

(e) Other programmes and funding to strengthen the Aboriginal community and economic development include the Ontario Aboriginal Economic Development Program and the Economic and Organizational Human Resource Development Program.

F. Quebec

1016. The Government of Quebec undertook to abide by the provisions of the International Covenant on Economic, Social and Cultural Rights by adopting Order in Council No. 1438-76 on 21 April, 1976. Furthermore, chapter 4, Part 1 of the Charter of Human Rights and Freedoms, which came into force in 1976, affirms the following economic and social rights: protection of the child, free public education, cultural interests of ethnic minorities, information, financial assistance, fair and reasonable conditions of employment, equality rights for spouses, protection of aged and disabled persons, and protection of the family. These rights are added to the fundamental human rights and freedoms, equality rights, political rights and judicial rights. References to sections of the Charter are made in this report.

1017. This report contains information on the various measures adopted by the Government of Quebec under the Covenant during the period from 1 January, 1990 to 30 September, 1994. It supplements the information contained in previous reports, to which references are made as applicable.

1018. Information regarding implementation of the Covenant has already been included in the Quebec Government's contributions to the twelfth report of Canada under the International Convention on the Elimination of All Forms of Racial Discrimination, the fourth report of Canada under the Convention on the Elimination of All Forms of Discrimination against Women, the initial report of Canada under the Convention on the Rights of the Child and the fourth report of Canada under the International Covenant on Civil and Political Rights. More specific references to these reports will be made under the appropriate articles, as applicable.

Article 1. Right to self-determination

1019. The Government of Quebec subscribes fully to the principle that all peoples have the right of self-determination and to the corollaries of this right. It further declares its intention to promote the realization of this right by any legal means.

Article 3. Equality rights

1020. Since the Government of Quebec is commenting on the application of this article for the first time, it seems appropriate to review the background of equality rights in Quebec. This review will necessarily extend beyond the period covered by this report.

1021. Women's equality rights in Quebec are primarily guaranteed by two legal instruments: the Charter of Human Rights and Freedoms (R.S.Q., c. C-12) (hereinafter referred to as the Quebec Charter) and the Civil Code of Quebec (S.Q., 1991, c. 64).

1022. Adopted in 1975, the Quebec Charter declares the fundamental human rights and freedoms, so that they may be guaranteed by the collective will and better protected against any violation. Section 10 of the Quebec Charter declares that every person has the right to full and equal recognition and exercise of his or her human rights and freedoms, without distinction, exclusion or preference based on sex, among other things.

1023. In 1982, the Quebec Charter was amended to add pregnancy and age as prohibited grounds of discrimination. Similarly, any harassment of a person on the basis of one of the grounds mentioned in section 10 was prohibited.

1024. In 1985, Part III of the Quebec Charter came into effect. This part concerns affirmative action programmes intended to remedy the situation of persons belonging to groups discriminated against in employment. These programmes are deemed non-discriminatory, if they are established in conformity with the Quebec Charter.

1025. In June 1989, the National Assembly passed a bill instituting a Tribunal des droits de la personne (Human Rights Tribunal) authorized to rule on the validity of a complaint of discrimination or exploitation. The purpose of this tribunal is to give more effective recognition to the rights set out in the Quebec Charter, including equality rights. Its decisions are binding, and affirmative action programmes are also within its competence.

1026. The Act to Establish a New Civil Code and to Reform Family Law (S.Q., 1980, c. 39), assented to in December 1980, establishes the legal equality of spouses in a marriage. This equality and the freedom of spouses to organize their patrimonial relations represent the basis of this reform. The spouses have identical rights and obligations in marriage. Together, they take in hand the moral and material direction of the family, exercise parental authority, and have the right and duty to care for, oversee and raise their child or children. They contribute towards the expenses of the marriage in proportion to their respective means and share responsibility for the household debts. The family environment is also protected, since the powers of each spouse with respect to the family residence and the movable property that serves for the use of the household are legally protected.

1027. In June 1989, to complete this reform, the Civil Code was amended to create a family patrimony made up of certain property, divisible in case of separation, divorce, annulment of marriage or death.

1028. Based on the principle that marriage constitutes a commitment to which each of the partners contributes through activities that may differ in nature, the family patrimony promotes a certain equilibrium in the case of marriage breakdown or death, so that one of the spouses is not left at a disadvantage.

1029. Quebec's policy on the status of women (the Politique en matière de condition féminine) is a third instrument promoting women's equality rights that should be mentioned. At the time of its adoption in 1993, it was the first such policy in Canada.

1030. This policy recognizes that the main challenge for women is the quest for independence. Just like recognition of fundamental rights, the independence of women is a critical factor that will contribute to more egalitarian relations between men and women, and will allow the people of Quebec to assume the principles of justice and equity.

1031. To support women in their efforts, and on the basis of various observations regarding the current status of women in Quebec, the policy identifies four areas for government action and outlines the various priorities. The four areas are: economic independence; respect for physical and psychological integrity; elimination of violence against women; recognition and validation of their collective contribution. This policy was discussed at length in the Quebec contribution to the fourth report of Canada under the Convention on the Elimination of All Forms of Discrimination against Women.

Article 6. Right to work

1032. The main legislative, regulatory and administrative measures adopted by the Government of Quebec to give effect to the commitments made under articles 6 to 8 and 10 of the Covenant have already been outlined in previous reports. The following material will serve to update that information. A table showing the general employment situation in Quebec of women, the disabled, and workers under 25 and over 55 appears at the end of the text on article 6.

1033. The Government of Quebec has made its contribution to the reports made by Canada to the International Labour Organization regarding Convention No. 111 concerning Discrimination in Respect of Employment and Occupation. This Convention was ratified by Canada in 1964. A report was produced in 1994.

1034. The Quebec Charter and the Civil Code of Quebec protect the free and voluntary nature of work.

1035. Without being stated as explicitly as in paragraph 1 of article 6 of the Covenant, the right to free and voluntary work nevertheless stems from the provisions of the Civil Code of Quebec regarding contracts and, more specifically, the contract of employment. These provisions state that a contract, particularly one for provision of personal services, is an agreement of wills by persons capable of binding themselves each to the other, and that consent may be given only in a free and enlightened manner (articles 1378, 1380, 1398 and 1399 of the Civil Code of Quebec). To these general provisions is added a complete chapter on the contract of employment (articles 2085 to 2097), which defines this type of contract in greater detail and specifically outlines the appropriate procedures for its performance and termination. The provisions of the Civil Code of Quebec are supported, to some extent, by the Quebec Charter, and the Canadian Charter of Rights and Freedoms. The latter outlines, among other things, the right of every Canadian, regardless of his or her province of origin, to pursue the gaining of a livelihood in any province (paragraph 6 (2)(b)), which may also include the right to exercise the occupation and trade of his or her choice.

1036. Regarding the right to work, the Quebec Charter recognizes the freedom of every human being as a fundamental freedom (section 1). The Quebec Charter also recognizes the right of every person who works to fair and reasonable conditions of employment (section 46), and the right of aged or disabled persons to protection against any form of exploitation (section 48) and any discrimination in employment (sections 10 and 16-19).

1037. Section 10 further prohibits any discrimination in the recognition and exercise of human rights and freedoms, if it is based on one of the following criteria: race; colour; sex; religion; political convictions; social condition; ethnic or national origin; age (except as provided by law); pregnancy; sexual orientation; civil status; language; handicap or the use of any means to palliate a handicap. The only exception to this principle is section 20, which states: "A distinction, exclusion or preference based on the aptitudes or qualifications required in good faith for an employment, or justified by the charitable, philanthropic, religious, political or educational nature of a non-profit institution or of an institution devoted exclusively to the well-being of an ethnic group, is deemed non-discriminatory."

1038. In accordance with its mandate under the Quebec Charter, the Commission des droits de la personne du Québec (Quebec Human Rights Commission) is responsible for receiving and investigating complaints of discrimination and harassment, particularly in the area of employment. If the evidence in its possession confirms the allegations of the complainant, it shall endeavour to induce the parties, in this case, the employer and the employee, to settle their dispute out of court. When its recommendation has not been complied with, however, it may, with the consent of the victim, apply to a tribunal and, since 10 December, 1990, to the Tribunal des droits de la personne, to obtain appropriate measures against the person in default or to claim, in favour of the victim, any restitution that it considers suitable. The Commission may exercise its discretion not to apply to the Tribunal, in which case the Charter states that the victim may do so under certain circumstances, at his or her own expense. If the complainant is eligible for legal aid, such costs will be assumed by the Government.

1039. Most disputes are settled at the level of the Commission. Between 1 January, 1986, and 30 September, 1994, 3,782 complaints of discrimination in employment were submitted to the Commission, including 791 regarding harassment on the job and 263 based on pregnancy. During the same period, 1,290 complaints were settled by the Commission, while legal proceedings were initiated by the Commission in approximately 100 cases.

1040. Rights and freedoms must be supported and promoted by policies and programmes appropriate to prevailing employment conditions. These conditions, as they have evolved over the past decade, are outlined in the appended table. It can be seen that participation of women in the labour market has increased considerably. Youth unemployment has remained high. More older workers are unemployed, and this group is less active in the labour market. Meanwhile, 89,000 people in Quebec had more than one job in 1993. It is estimated that 45 per cent of these workers had at least one full-time job.

1041. Since 1990, the Government of Quebec has adopted five major job-creation policies: a policy statement on workforce development (Énoncé de politique sur le développement de la main-d'oeuvre), an economic recovery plan for Montreal (Plan de relance du grand Montréal), a strategy on industrial clusters (Stratégie des grappes industrielles), a policy statement on regional development (Énoncé de politique sur le développement régional) and an employment recovery plan (Plan de relance de l'emploi). These policies are currently being updated. The Government is shifting its efforts towards job-creation policies. The Stratégie des grappes industrielles has been set aside in favour of an industrial development policy that focuses more on small and medium-sized business, and encourages communities to fund their own development.

1042. The Government of Quebec has contributed to making work more productive by establishing networks within industrial sectors, reducing regulatory and administrative requirements in many areas of economic activity, and taking steps to combat the underground economy.

1043. Quebeckers have access to over 100 workforce development measures and programmes. Three quarters of these programmes are funded by Quebec, and the rest are funded by the federal Government. The primary objectives of these programmes are to address areas where there are shortages of workers and encourage adjustment of workers to new technologies. The programmes involve businesses as well as laid-off workers and other workers. Subsidies and personal loans for retraining and refundable tax credits for businesses offering training were the main measures adopted during the period covered by this report. The vast majority of workforce development measures are implemented by the Société québécoise de développement de la main-d'oeuvre (Quebec Workforce Development Corporation), the Department of Education (through the school boards and the general and vocational colleges (CEGEPs)), the Department of Income Security and the Department of Industry, Trade, Science and Technology. The Government has also begun simplifying Quebec's system of occupational training programmes.

1044. As to pregnancy and employment, on 28 January, 1994, the Commission des droits de la personne released a document on complaints of discrimination stemming from the attitude that pregnancy means that female workers cannot be depended on to provide uninterrupted service, particularly in the case of a fixed-term position. In such cases, the Commission believes that it is important to allow for the fact that the employee may have had a series of fixed-term contracts such that her employment is, in fact, more like a permanent position than a purely temporary one. In these circumstances, the document concludes that the employer is responsible for demonstrating that it cannot take reasonable steps to accommodate the worker and therefore cannot continue employing her.

1045. As to harassment, in 1989, the Commission asked Quebec companies to help eradicate sexual harassment in the workplace. To assist them, it provided a document entitled: Politique visant à contrer le harcèlement sexuel au travail (Policy against sexual harassment at work). On 21 March, 1992, the International Day for the Elimination of Racial Discrimination, the Commission released another document with a similar objective, entitled: Politique pour contrer le harcèlement racial au travail (Policy against racial harassment in the workplace). The Commission's goal is to use various approaches to make business and labour organizations aware of the need for workplaces that respect people's rights and for protection against this form of discrimination.

1046. As to equitable management, another publication, entitled Mieux gérer en toute équité (Managing Better, Managing Equitably), which contains general information on the Quebec Charter for employers and is intended as a guide to its application, was released in 1991. This document includes a series of loose-leaf fact sheets on themes related to the workplace. Various topics are covered, including: medical examinations at work; AIDS and work; sexual and racial harassment; criminal records; offers of employment and employment agencies; sexualization and "racialization" of positions; disabilities and employment. More than 7,500 copies of this publication were distributed.

1047. As to affirmative action programmes, the purpose of these programmes is to remedy the situation of persons belonging to groups discriminated against in employment, including women, members of cultural communities, disabled persons and Aboriginal persons.

1048. The Commission must lend assistance for devising programmes established on a voluntary basis and must provide the Government with expertise for evaluating the performance of companies under the contractual obligation programme in terms of their commitment to establish affirmative action programmes for the groups in question.

1049. As of 31 December, 1994, there were 214 active files, including 78 for consulting and development promotion programmes and 136 under the contractual obligation programme. Of these 136 files or companies, 28 were in the diagnostic phase, 29 were developing action plans, and 79 were implementing objectives and measures for their programmes. There have also been efforts implemented in the education sector, such as the development of an affirmative action programme in police training.

1050. With respect to the Government's obligation under the Quebec Charter, to require departments and agencies to implement affirmative action programmes, initiatives are already under way, including grants to school boards, colleges, universities, municipalities, and certain health and social services agencies for the establishment of such programmes.

Situation of women

1051. As to access to work, participation in the labour market is the best way to gain economic independence. The share of the labour market occupied by women is constantly growing. Between 1985 and 1993, female representation increased from 41.4 per cent to 44.3 per cent. Despite the progress made, the status of women at work remains problematic. They are confined to a limited number of generally less-well-paid occupations and employment sectors, where the chances of advancement and fringe benefits are not as good. According to

1991 census data, 42.1 per cent of women work in the 10 predominantly female occupations, while only 23.8 per cent of men work in the 10 predominantly male occupations.

1052. As to education and training, the democratization of education in Quebec has primarily benefited girls. In 1991, they made up 53 per cent of secondary school, 58 per cent of college and 57 per cent of university graduates. Despite this progress, their lack of occupational diversification represents a major problem. In vocational training at the secondary school level, 85 per cent of girls graduated in three sectors: business and secretarial, beauty care and health services.

1053. There have been many initiatives intended to interest girls in non-traditional sectors, particularly the area of science and technology. Most of these have been undertaken by the Departments of Education, Manpower, Income Security and Occupational Training.

1054. The main achievements in the area of vocational training have involved maintenance and development of specific programmes for job readiness or re-entry, occupational diversification and the creation of promotional tools. A number of retraining programmes have been developed especially for women: Transition-Travail, a programme for women rejoining the labour market, Préformation à la formation technologique, a technological pre-training programme, and Accès aux carrières technologiques, a programme designed to promote the entry or re-entry of women into the labour market through technological skills.

1055. As to women in agriculture, key measures adopted to eliminate discrimination against women employed in the agricultural sector include:

(a) The Programme d'aide à l'établissement: to promote farm ownership for women, the Government of Quebec amended the Act to Promote the Development of Agricultural Operations (R.S.Q., c. M-36) on 20 August, 1986, to make grants to farm operations available to both spouses with a view to equitable treatment of women farmers. This $15,000 grant is available to farmers aged 18 to 40 years. The Act to Promote the Development of Agricultural Operations became the Programme d'aide à l'établissement under the Act Respecting Farm Financing (R.S.Q., c. F-12), which also applies to those under 40 who wish to enter farming;

(b) After the first initiative, a second programme to facilitate farm ownership, called the Programme d'accès à la propriété pour les conjoints de 40 ans et plus (an ownership programme for spouses over 40), was implemented. This programme was established by the Department of Agriculture, Fisheries and Food in December 1990 to recognize the economic contribution of the work done by women in agriculture. This opportunity for farm ownership not only opened the way for professional and legal recognition, but also ensured economic equity and security for the women who took advantage of it. Under this programme, financial assistance of up to $5,000 was provided when the woman acquired 20 per cent of the farm's assets.

1056. These two ownership programmes increased the number of women farmers who owned property from 4,951 to 11,234:

(a) The Farm Producers Act (R.S.Q., c. P-28) was amended in 1990 to allow people involved in a farm, without owning property, to exercise the right to vote (sections 19.1, 19.2, 31, 35 and 35.1). Given the family nature of Quebec farm operations, many women farmers and young people had been deprived of their right to vote because they did not own a share of the property. This voting right was of great importance, since these people were active in the Union de producteurs agricoles (Agricultural Producers' Union) through their specialized federations. Amendment of the Act recognized the contribution made by women to their specialized federations, even if they did not own a share of their farm;

(b) Encouraging the next generation is one of the objectives of the Department of Agriculture, Fisheries and Food with respect to improving the status of women in agriculture. To develop a campaign that will be launched in 1995, an exploratory study was done to determine the socio-economic factors that influence the choices made by the next generation in Quebec.

Situation of disabled workers

1057. Our data on workers with disabilities come from the Health and Activity Limitation Survey (HALS) conducted by Statistics Canada in 1986 and 1991, and a paper published in 1994 by the federal Minister of Human Resources Development entitled "Improving Social Security in Canada - Persons with Disabilities".

1058. Surveys reveal that the number of disabled persons aged 15 to 64 living in Quebec households increased from 392,200 in 1986 to 423,540 in 1991. These include workers with severe permanent disabilities.

1059. In 1991, 38.5 per cent of Quebeckers with disabilities were employed, 8 per cent were unemployed and 53.5 per cent were not part of the active workforce. At the time of the 1986 survey, approximately 30 per cent of these people were employed, 6 per cent were unemployed and a little over 60 per cent were not part of the active population. Despite unfavourable conditions, there has been an increase in the employment of disabled persons, who are now more active participants in the labour market.

1060. Disabled women are considered equal under the law and, in principle, have the same freedom of choice as men, disabled or not, and access to the same services. However, our data indicate that, when the last survey was conducted by Statistics Canada in 1991, 31 per cent of disabled men had an income of $30,000 or more a year, while only 4 per cent of disabled women had a comparable income. In addition, 39 per cent of disabled men and 67 per cent of disabled women had a personal income lower than $10,000 in 1991. This situation is partly due to the fact that very few disabled women participate in the labour market. Disabilities are often linked with ageing, and women who have withdrawn from the labour market to run a household or look after their children may not be properly prepared to return to work after this stage of their life is over and have little motivation to do so when they develop functional limitations. Of disabled women aged 15 to 64, 36 per cent participate in the labour market, compared with almost 57 per cent of disabled men. However, the improved labour market for women in general has led to an increase in employment and participation rates for disabled women. The unemployment rate is 6.9 per cent for disabled women, compared with a rate of 9.1 per cent for men.

1061. The number of disabled women employed in the Quebec public service rose slightly between 1987 and 1991. Despite affirmative action programmes for women and Treasury Board's hiring plan for disabled persons, they still represent only 2.0 per cent of total public service employment, while disabled men currently represent 3.6 per cent of the total. These statistics include only those who have voluntarily identified themselves as disabled.

Situation of immigrants

1062. The Conseil des Communautés culturelles et de l'immigration is a permanent, independent agency whose role is to advise the minister responsible for planning, coordination and implementation of Quebec government policy regarding cultural communities and immigration. In a report on immigration and the labour market submitted to the minister in July 1993, the Board concluded, on the basis of various studies and surveys, that the phenomenon of discrimination against new immigrants is not the only explanation for their difficulties on the labour market. The Board nevertheless recommended that the Government step up its fight against all forms of racial discrimination and that more effort be made to educate employers about racial and cultural diversity, and inform them that all Quebeckers must be able to participate in the labour market, through equitable consideration of qualifications, without discrimination.

1063. The Department of Cultural Communities and Immigration assists immigrants through services for new arrivals, advice, and information on access to the labour market. The Department also administers an academic equivalence service. Equivalence certificates are issued by the Department to help immigrants to persuade employers and professional associations to recognize their studies in other countries, and help them to obtain jobs that correspond to their qualifications and skills.

Employment situation in Quebec

(000$)

		Labour force	Annual average variation	Employment	Variation	Unemployment	Variation	Participation rate	Variation	Unemployment rate	Variation
Women	1993	1 511		1 328		183		53.7		12.1	
	1988	1 420		1 276		143		53.1		10.1	
	1983	1 225	2.3%	1 053	2.6%	172	0.6%	47.6	1.3%	14	-1.4%
15-24 yrs	1993	529		427		102		58.1		19.3	
	1988	649		563		87		66.7		13.3	
	1983	706	-2.5%	546	-2.2%	161	-3.7%	60.9	-0.5%	22.8	-1.5%
55-64 yrs	1993	260		227		33		41.7		12.5	
	1988	265		244		21		43		7.9	
	1983	274		247	-0.8%	27	2.2%	47.2	-1.2%	9.8	2.8%
65 yrs and +	1993	33		30				4.5			
	1988	39		39				6.1			
	1983	38	-0.5%	37	-1.9%			6.9	-3.5%		
Disabled	1991	196.87		162.98		33.89		46.5		17.2	
	1986	149.81	16.1%	120.31	15.5%	24.54	20.0%	35.4	17.0%	16.4	20.0%
TOTAL	1993	3 404		2 960		444		62.2		13.1	
	1988	3 311		3 001		311		64.0		9.4	
	1983	3 038	1.2%	2 616	1.3%	422	0.5%	60.8	0.2%	13.9	-0.6%

Source: Labour Force Annual Average, 1981-1988 (Statistics Canada); The Health and Activity Limitations Survey (Statistics Canada).

Article 7. Right to just and favourable conditions of work

1064. Quebec has three statutes intended to ensure fair and equitable working conditions for all workers and to institute, among other things, a compensation system for victims of industrial accidents and occupational diseases: the Act Respecting Labour Standards (R.S.Q., c. N-1.1), the Act Respecting Occupational Health and Safety (R.S.Q., c. S-2.1) and the Act Respecting Industrial Accidents and Occupational Diseases (R.S.Q., c. A-3.001). These statutes came into force before the period covered by this report.

1065. The Civil Code of Quebec establishes the rule that remuneration constitutes the counterpart of work (article 2085). In addition, the Quebec Charter stipulates that every person who works is entitled to fair and reasonable conditions of employment (section 46) and the Act Respecting Labour Standards sets the minimum wage for all Quebec workers (section 40).

1066. At the end of the period covered by this report, the general minimum wage was $6.00 an hour. Aware, however, that this wage could be insufficient to ensure a family a decent standard of living in some cases, the Government of Quebec provides, under the Act Respecting Income Security (R.S.Q., c. S-3.1.1), assistance for parents as a supplement to their employment income (the parental wage assistance programme, described in greater detail under article 9). This programme, administered by the Department of Income Security and the Department of Revenue, supplements the employment income of those workers with dependent children who are most disadvantaged.

1067. More broadly, the Quebec Charter also provides for non-discrimination in hiring, promotion and vocational training, and stipulates that the same salary or wages must be paid for work of equal value, without discrimination (sections 10 and 16-19).

1068. Since 1989, the Government has been involved in a process intended to establish greater pay equity among the occupational groups of the public and broader public sectors. Employer-union parity committees were formed to systematically analyse the pay structure and all occupational groups in these sectors. To date, more than 900 occupational groups have been evaluated and, in 1994, wage adjustments totalling nearly $350 million were paid to public servants and employees of the education, and health and social services sectors. Nearly 90 per cent of the predominantly female occupational groups received settlements, and the average adjustment was 5.8 per cent.

1069. More generally, the Government is examining the possibility of legislation to correct wage discrimination against workers in predominantly female occupational categories.

1070. Private-sector employers are targeted through specific provisions in the Quebec Charter promoting and even requiring, in proven cases of discrimination in employment, the establishment of an affirmative action programme (sections 86-92 and 97).

1071. With respect to occupational health and safety, the Civil Code of Quebec obliges every employer to take appropriate measures to protect the health and safety of the employee (article 2087). This provision is supplemented by an extensive industrial accident prevention and compensation programme, administered by an independent agency, the Commission de la santé et de la sécurité du travail (Occupational Health and Safety Board). While the Act Respecting Occupational Health and Safety governs the prevention of industrial accidents and occupational diseases (see sections 2 and 4 in particular), compensation is covered by the Act Respecting Industrial Accidents and Occupational Diseases (see sections 1 and 4). Finally, the Quebec Charter recognizes a general right to personal security (section 1).

1072. The assurance that every employee's working conditions meet the standards of article 7, paragraph (d) of the Covenant stems primarily from the Act Respecting Labour Standards (sections 52-79). For the purposes of computing overtime, the Act fixes the regular work week at 44 hours (section 52); it also establishes the right of any worker to seven statutory holidays a year that are non-working days with pay (section 59.1), to which are added the Fête nationale (National Holiday Act, R.S.Q., c. F-1.1), annual leave for a duration corresponding to the employee's uninterrupted service (annual leave of a minimum duration of two weeks after one year, section 68) and a weekly minimum rest period of 24 consecutive hours (section 78).

1073. Section 137 of the Quebec Charter allows distinctions between workers based on sex, sexual orientation, pregnancy, civil status, age and disability, with respect to pension and benefits plans. The Human Rights Commission has asked that this section be amended. At the end of the period covered by this report, the Government was studying that request.

1074. Representation of women at the political and decision-making levels is progressing slowly. In 1994, they represented 18.4 per cent of the National Assembly compared with 14.7 per cent in 1985. When the cabinet was formed in September 1994, 6 out of 19 appointed ministers, or 31.5 per cent, were women, a proportion never before reached in Quebec or Canada.

1075. The proportion of women employed in the public service decreases at the upper levels of the hierarchy. In 1993, women represented nearly 44 per cent of the regular workforce of the public service, but only 13.4 per cent of managers and 21.8 per cent of senior executives.

1076. In the municipal sector, the percentage of women occupying the position of mayor rose from 6.6 per cent in 1990 to 8.6 per cent in 1993. Women represented 17.7 per cent of municipal councillors in 1990 and 19.2 per cent in 1993.

1077. The proportion of women in the judiciary has increased steadily. Women represented 6.8 per cent of judges in 1990 and 11.8 per cent in 1994.

1078. In the private sector, the place occupied by women in decision-making positions is not representative of the percentage of women completing undergraduate administration and management programmes. In 1990, 45.1 per cent of women obtained such degrees, yet they occupied only 5.1 per cent of administrative positions and 7.3 per cent of executive positions in the 267 private companies required to produce annual reports in 1990.

1079. In 1993, the Government of Quebec adopted a policy on harassment covering both sexual harassment and harassment on any other ground of discrimination listed in section 10 of the Quebec Charter, particularly race, colour or religion. This policy applies to all departments and agencies whose personnel are listed in the Public Service Act (R.S.Q., c. F-3.1.1).

1080. The policy offers two complementary approaches to preventing and ending harassment: one is education and information, and the other involves establishing an internal mechanism for handling complaints by victims.

Article 8. Trade union rights

1081. For information regarding implementation of this article, see articles 21 and 22 of the Quebec section of the fourth report of Canada under the International Covenant on Civil and Political Rights.

Article 9. Right to social security

1082. The Act Respecting Income Security replaced the Social Aid Act on 1 August 1989. Two last-resort assistance programmes were instituted at that time, namely the work and employment incentives programme and the financial support programme. The work and employment incentives programme grants financial assistance to families and individuals who are considered employable and have no other means of subsistence. The financial support programme is intended to assist people who cannot provide for their needs because of severe employment limitations.

1083. As to funding, last-resort assistance benefits are financed out of Quebec's Consolidated Revenue Fund. The cost of these programmes is shared with the federal Government under the Canada Assistance Plan.

1084. As to the number of clients and amounts spent, in March 1994, 472,939 households in Quebec were receiving last-resort assistance. Benefits totalled $3.5 billion in 1993/94.

1085. As to financial assistance, the scales for computation of benefits vary according to the programme and size of the household. They correspond to ordinary needs for housing, food, clothing and other necessities. Since 1 January 1990, the basic scales have been supplemented by a housing allowance, with a view to assisting families with dependent, minor children and high housing costs. Financial assistance is also available to cover certain essential needs that are not necessarily common to all. These special benefits cover, among other things, needs related to health (drugs, dental services and so forth) and employability (education, and job-search costs).

1086. As to parental wage assistance, the parental wage assistance programme came into effect with passage of the Act Respecting Income Security. This programme is aimed at low-income workers with dependent children. It is financed out of Quebec's Consolidated Revenue Fund. In March 1994, there were 17,875 families in Quebec registered in this programme. The cost for 1993/94 was estimated at $35.1 million.

1087. As to financial benefits for children, the Act Respecting Family Assistance Allowances (R.S.Q., c. A-17) provides for four types of allowance: the family allowance, the allowance for young children, the allowance for handicapped children and the allowance for newborn children. The Régie des rentes du Québec (Quebec Pension Board) is the agency responsible for administering Quebec's family allowance plan. The Minister of Income Security is responsible for implementation of the statute. These allowances are refundable tax credits, paid in advance by the Régie. They appear in the public accounts of the Government of Quebec as personal tax refunds.

Disabled persons

1088. Quebec's social security plan includes two different income-replacement programmes, depending on the individual's employment potential. Those considered to have severe employment limitations receive a slightly higher level of financial assistance than other beneficiaries, but generally do not receive vocational training subsidies, although they may take advantage of such programmes and the related funding, if they want. These are people who have an ongoing need for assistance. The Department of Health and Social Services has a policy of deinstitutionalization. People with mental disabilities represent over 24.6 per cent of those receiving benefits under the Department of Income Security's financial support programme. It is estimated that 18.4 per cent of the programme's beneficiaries suffer from severe psychiatric disorders. Financial coverage of basic needs is assumed in the same way and by the same body, the Department of Income Security, as for other disadvantaged individuals. In addition, the income security system covers special needs related to the functional limitations of people with disabilities when they are not covered by the public health insurance programme or any other measure.

Concerns of the Committee on Economic, Social and Cultural Rights

(i) Regarding the continued existence of poverty in Canada and the lack of substantial progress in reducing poverty over the past decade

1089. The Committee's concern about the continued poverty in Canada is probably attributable to its interpretation of the statistical measure used as the poverty line in Canada. 1/ The poverty rates presented in the second report of Canada on articles 10 to 15 of the International Covenant on Economic, Social and Cultural Rights are based on the use of the low-income cutoff figures published by Statistics Canada. This cutoff represents the income level below which families spend over 20 percentage points more than average for food, housing and household expenses. This measure defines

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1/ This hypothesis is particularly plausible in that, among the 20 OECD (Organization for Economic Cooperation and Development) countries surveyed by Statistics Canada, only 5 have declared official poverty lines and another 6 have declared unofficial poverty lines. This means that there is no international consensus regarding measurement of poverty.

poverty mainly in relative terms, that is, in relation to income distribution, rather than in absolute terms, that is, on the basis of certain standards for satisfaction of needs. With this approach, there will always be poor people in Canada, unless we someday achieve a strictly egalitarian distribution of income. This does not mean that these poor people will have insufficient income to ensure their subsistence, health and well-being.

(ii) Regarding poverty among single mothers and children

1090. These two phenomena, which are closely linked, are certainly very disturbing. However, it is not true that there have been no new initiatives to remedy this situation in Quebec. For example, the Government has implemented different measures over the years to improve family assistance. Government funding for children, which amounted to some $800 million in 1985, was approximately $2.6 billion in 1994. This assistance is intended for families, with emphasis on those who have a number of children and lower incomes.

1091. More generally, it should be recognized that these two phenomena stem from the changes in family structure that have been among the most significant social changes of recent years. The financial support required by this group constitutes a major concern, and the issue of unpaid support is a fundamental aspect of the problem. Quebec is therefore examining the possibility of establishing a programme for automatic collection of support payments, which would contribute significantly to improving the lot of single-parent families.

(iii) Regarding families obliged to place their children in care, because they are unable to provide for their needs

1092. The entire income-security and youth-protection system is intended to prevent such situations from occurring. Placing a child in care cannot be considered a solution to a family's financial problems, at least in Quebec.

(iv) Regarding the absence of a plan for people on social assistance to receive a minimum income that puts them above the poverty line

1093. The objective of Quebec's last-resort assistance programmes is to give financial assistance to people who do not have sufficient resources to meet the needs of themselves and their families. This objective implicitly involves a measure of absolute poverty, that is, one established on the basis of certain standards pertaining to satisfaction of needs. Statistics Canada's low-income cutoff, which defines poverty primarily in relative terms, that is in relation to income distribution, is not an appropriate tool for establishing minimum income levels for clients of last-resort assistance programmes.

1094. Furthermore, such a plan would be very expensive, especially since it would be attractive to poorly paid workers, who would benefit from quitting their jobs and becoming recipients of last-resort assistance. The minimum income levels chosen by Quebec to establish its scales for last-resort assistance are the result of a difficult, but necessary, juggling act among various constraints, the most important of which include society's ability to pay, the maintenance of some incentive to work and considerations of distributive justice. Last-resort assistance benefits represent the maximum amount of aid that the government can provide in the current context.

Article 10. Protection of the family, mothers and children

1095. On 1 January 1994, the new Civil Code of Quebec came into effect. This Code represents the outcome of over 35 years of work, consultations and discussions. In conjunction with the Quebec Charter and general legal principles, it governs relations among people, including family relations.

1096. In Quebec, the word "family" includes many types of union, including the traditional family and the nuclear family. Under the Civil Code of Quebec, parental rights and obligations with respect to their children are the same regardless of the type of union they have chosen. Rights and obligations between spouses depend on the living arrangements they have chosen.

1097. During the period covered by this report, the Secretariat for Family Affairs, acting under the authority of the Minister responsible for family policy, developed three action plans. The first, Familles en tête 1989-1991, contained some 50 measures affecting many sectors: financial assistance; reconciling work and family; health and social services; education; child care services; municipal action; culture and leisure; law; cultural communities; communications and research. Government departments and government community agencies made a sustained commitment to the implementation of this plan and most of its initiatives were carried out in the specified time. The second plan, Familles en tête 1992-1994, contained measures affecting several sectors that were the subject of extensive consultations. The third action plan, Familles en tête 1995-1997, will be ratified in February 1995.

Protection of the family and assistance measures

1098. Family allowances in Quebec are intended to provide financial assistance to families with children under 18 years of age. They are payable in the month following the month of the child's birth or, in the case of adoption, the month when the child joins the family. The monthly family allowance is supplemented by the allowance for young children (under six years of age). This allowance is paid at the same time as the family allowance.

1099. In addition, upon the birth of a child or upon the adoption of a child before the age of five, the Government of Quebec pays an allowance for newborn children to help families cover some of the expenses associated with the arrival of a child.

1100. Quebec also has an allowance for handicapped children. This allowance is intended to help parents provide for the needs of a child under 18 who has a severe permanent mental or physical disability.

1101. Financial support for child care gives financial assistance to low- or moderate-income families for the care of their children in a centre supervised by the Office des services de garde à l'enfance (Child Care Services Office). This assistance takes into account, among other things, family size and income, the number of children in question and the rate charged by the child care centre.

1102. In addition, subsidies for child care centres and other child care services indirectly assist families.

1103. Since the 1994 taxation year, the child care expense deduction has been replaced at the provincial level by a new refundable tax credit for child care expenses, the amount varying according to family income. The credit rate, a percentage of the eligible expenses, varies from 75 per cent to 26.4 per cent depending on net family income. This new initiative should have the effect of significantly increasing government assistance for child care.

1104. There are also various fiscal measures that reduce the tax payable. The two most important measures are the non-refundable credits for dependent children, single-parent families and severely disabled children as well as the family tax reduction. As well, there are the non-refundable tax credit for post-secondary studies, the refundable tax credit for adoption and the refundable tax credit for accommodation of elderly parents.

1105. Finally, the parental wage assistance programme, also mentioned under article 9, is intended solely for low-income workers with at least one dependent child. This assistance has three components: a work income supplement, a partial reimbursement of eligible child care expenses and a housing allowance.

1106. The various family assistance measures were also examined in the Quebec section of the fourth report of Canada on the International Covenant on Civil and Political Rights, under article 23.

Maternity and paternity protection and leave

1107. There are many legislative provisions regarding protection of the family for people who work.

1108. In Quebec, under the Act Respecting Occupational Health and Safety, a pregnant worker who must stop working temporarily because her working conditions may be dangerous to herself or to her unborn child and who cannot be reassigned, may receive 90 per cent of her net income from the Commission de la santé et de la sécurité du travail, beginning in the second week and continuing throughout this preventive work stoppage. During the first week, her employer will pay her full salary. In 1993, under the programme to give effect to this legislation, 18,473 applications were approved, which represented 93.4 per cent of the applications received (19,780) for the year. The total amount paid in indemnities amounted to $79,500,846.

1109. The Government of Quebec also offers a maternity allowance (Act Respecting the Ministère de la sécurité du revenu (R.S.Q., c. M-19.2.1)), which is intended to compensate in part for the two-week gap between the time a pregnant worker stops work and the time she begins receiving maternity benefits under the federal Government's unemployment insurance system. In 1994, this allowance could be as much as $360 a week. To receive this allowance, the worker must be eligible for unemployment benefits and have lived in Quebec for at least 12 months at the date the maternity leave begins. In addition, the gross income of the two spouses must not exceed $55,000 (in 1994).

1110. Since 1 January 1991, a specific division of the Act Respecting Labour Standards has dealt with leave for family events (Division V.1). Any pregnant worker is entitled to a maternity leave without pay of 18 consecutive weeks. This maternity leave may be followed by parental leave without pay of not more than 34 weeks, which extends the mother's leave to 52 weeks. This 34-week parental leave may also be taken by the biological father or by a person adopting a pre-school child.

1111. Under the Act Respecting Labour Standards, the father may be absent from work for five days at the birth or adoption of a child. He will be paid for the first 2 days if he is credited with at least 60 days of uninterrupted service.

1112. In addition, a worker is entitled to five days of leave a year to fulfil obligations relating to the care, health or education of a minor child. This leave may be divided into days. No benefit is provided for this leave. The right to refuse to work beyond the usual hours of work is also protected under these circumstances.

1113. The definition of spouse in the Act Respecting Income Security and the Act Respecting Labour Standards has been broadened to include partners in common-law unions and blended families, by recognizing the partners as spouses after one year of marital life (as opposed to three years previously), or as soon as a child has issued from the union, without any requirement of marital life. This new interpretation of the concept of common-law spouse expands the eligibility for family leave and recognizes the importance of family ties.

1114. Finally, the Act Respecting Labour Standards contains specific provisions for people working part time and earning no more than twice the minimum wage. The objective of these provisions is to provide such workers with treatment equivalent to that reserved for full-time workers when, under existing business practices, the wages or annual leave benefits exceed the minimum standards (sections 41.1 and 74.1). The primary objective of these provisions is to prevent inequities between full-time and part-time workers. The proportion of part-time jobs in Quebec has been growing at a very fast pace over the past two decades. Many women who have family responsibilities opt to work fewer hours. This provision ensures more equitable treatment for low-income workers.

1115. A new policy on society's commitment to supporting parents during the perinatal period - "Protéger la naissance soutenir les parents: un engagement collectif" - was adopted in 1993 in response to new problems that have emerged in the last decade or so. The main elements of this policy stem from the recognition that pregnancy, labour, childbirth and breastfeeding are natural physiological processes with many dimensions. The policy makes the assumption that parents are competent to care for their children, a responsibility that they will be even better equipped to assume if society gives them recognition and support. With the financial support of the Department of Health and Social Services, many community organizations offer services to needy pregnant women, pregnant adolescents and struggling young mothers.

1116. The Act Respecting the Practice of Midwifery within the Framework of Pilot Projects (R.S.Q., c. P-16.1), assented to in June 1990, authorizes the practice of midwifery in Quebec on an experimental basis under eight pilot projects. The Act describes the practice of midwifery and establishes a committee on admission to the practice of midwifery to define general standards of competence and training for midwives, and define criteria for obstetrical and neonatal risks.

1117. In 1992, the Department of Health and Social Services undertook consultations on a family-planning policy document. The aim is to permit informed choices and encourage responsible family planning, while promoting an optimal state of sexual health. Family-planning services represent an essential service from the standpoint of women's reproductive health, and constitute an important means of preventing social and health problems in young people.

Protection of children and young persons

1118. These issues, like that of the age of majority, were extensively covered in the initial report of Canada under the Convention on the Rights of the Child. See, in particular, paragraphs 858 to 860, 862, 867, 904, and 961 to 964 of that report.

Article 11. Right to an adequate standard of living

Right to housing

1119. The Government's efforts to assist the most vulnerable households have increased considerably in Quebec over the years. The share of the budget of the Société d'habitation du Québec (Quebec Housing Corporation) dedicated to low-income households grew from 56 per cent to 93 per cent between 1985 and 1993, for a total that increased from $315.9 million to $443.2 million.

1120. A series of legislative measures and initiatives have made housing assistance a principle recognized by all, and security of tenure is protected by the Civil Code of Quebec.

1121. With respect to access to social housing in particular, the selection criteria adopted by the Société d'habitation du Québec are intended to eliminate any discrimination in assigning housing. The Régie du logement (rental board) and the Commission des droits de la personne (Human Rights Commission) may intervene in this area to protect all tenants.

1122. The Société d'habitation du Québec has also carried out a number of social housing projects in cooperation with agencies working with cultural communities, and has worked closely with these groups and agencies to establish an action plan on housing.

(i) The housing situation, a statistical overview

1123. The percentage of owner-occupants has increased considerably in the past 20 years, rising from 47.4 per cent in 1971 to 55.6 per cent in 1991.

Private dwellings in Quebec		
Total	**Owners**	**Tenants**
2 632 500	1 462 790 (55.6%)	1 169 715 (44.4%)

Source: Société d'habitation du Québec, Internal compilation from special Statistics Canada tables based on the 1991 census.

1124. The assistance provided by home ownership programmes supported by the Government of Quebec, which has amounted to $550 million since 1976 and from which over 115,000 households have benefited, has been a major factor in the changing proportion of owners to tenants. Tenants had been in the majority in Quebec since the end of the Second World War. The Government's policy is intended to give Quebec households greater financial security while bringing Quebec in line with the other Canadian provinces in this regard.

Period of construction for private dwellings in Quebec		
Period	**Volume**	**Distribution (%)**
All	2 634 300	100.0
Before 1921	204 285	7.8
1921-1945	270 505	10.3
1946-1960	495 950	18.8
1961-1980	1 099 155	41.7
1981-1991	564 405	21.4

Source: Société d'habitation du Québec, Internal compilation from special Statistics Canada tables based on the 1991 census.

1125. One characteristic of Quebec's housing stock is the number of dwellings built before 1945 (18 per cent). This justifies the Government's efforts to provide assistance for home renovation.

1126. More than 63 per cent of dwellings were built after 1960, and 41.7 per cent of these were constructed between 1961 and 1980. This corresponds to the increase in the birth rate and household formation rate during that period.

Housing starts in Quebec (typical years)	
Year	**Volume**
1982	23 492
1985	48 031
1986	60 348
1987	74 179
1988	50 062
1993	34 015
1994	34 154

Source: Canada Mortgage and Housing Corporation, Statistics on housing in Canada.

1127. The housing stock keeps pace with the formation of households. There has been a decline in housing starts since 1987, and this trend will continue in the years ahead.

1128. In Quebec, nearly $4 billion were spent on renovations and repairs in 1994, while $3 billion went to construction of new dwelling units.

Home improvement programmes (renovation)	
Year	**Spending (in $ millions)**
1977-1985	237.8
1986-1989	233.7
1990-1994	327.3
Total	798.8

Source: Government housing and employment programmes, Société d'habitation du Québec, July 1994.

1129. Government assistance in this regard has been considerable, as indicated by the preceding table, which shows the amounts directed towards home improvement; nearly $800 million have been injected into home renovation and improvement since 1977. During this period, more than 210,000 households benefited from this assistance.

Distribution of monthly housing (cost per household)	
Monthly rent	**Percentage**
Under $400	39.6
$400 to $599	28.5
$600 to $799	13.1
$800 and over	18.7

Source: Société d'habitation du Québec, Internal compilation from special Statistics Canada tables based on the 1991 census.

1130. Nearly 40 per cent of Quebec households spend less than $400 a month on housing. Of this number, 24.2 per cent devote more than 30 per cent of their income to accommodation. A large majority, 65 per cent, are tenants.

1131. Tenants have enjoyed a vacancy rate of over 6 per cent since 1992. In Montreal, the rate is 6.4 per cent, which is considerably higher than other urban centres, such as Toronto or Vancouver, where the vacancy rate is 2.0 per cent. The market is considered to be in equilibrium when the rate is around 3.0 per cent.

The number of homeless individuals and families

1132. It is difficult to estimate the exact number of homeless people because of the methodological problems that this calculation poses. There is a tendency to confuse the true number of people who are homeless with the number at risk of becoming homeless.

1133. Data from hospitals and the Department of Income Security suggest that there are approximately 2,000 homeless people in Montreal. Projected for all of Quebec, this indicates that there are more than 3,000 homeless people in the province. This estimate should be confirmed by the results of a cross-Canada study now being conducted.

1134. At present, there are more than 1,000 places in shelters in Montreal. However, the number of homeless is not limited to those registered in shelters. The phenomenon of homeless families is not really a problem in Quebec as yet.

Families in substandard housing

1135. Quantitative analysis of households whose housing does not meet their needs indicates that the main problem is one of affordability. However, 6 per cent of needy households have a problem involving housing quality alone (19,668), and 8,000, or 2 per cent, of needy households have a problem of overcrowding alone.

1136. Given the age of its housing stock, Quebec is in a good position compared with other provinces, since the percentage of households having a problem with housing quality only is the lowest in Canada.

1137. The pattern is similar for overcrowding, since only 2 per cent of Quebec households are in this situation.

1138. Another important indicator to consider is the number of dwelling units needing major repairs, which represents a little more than 8 per cent of dwellings in Quebec.

The number of people living as squatters or in illegal dwellings

1139. This situation does not occur in Quebec, although some groups have suggested illegally occupying dwellings to protest the cost of housing, which they consider too high for some low-income families.

The number of people without legal protection or evicted

1140. The Civil Code of Quebec protects security of tenure for all tenants. Any arbitrary eviction may be taken to the Régie du logement.

The number of people whose housing costs are too high in terms of their ability to pay

1141. According to the housing needs model used by the Canada Mortgage and Housing Corporation, there are currently 341,000 households dealing with acute housing needs in Quebec, or 13 per cent of all households.

1142. Of this number, 261,000 households, or 77 per cent, have difficulty obtaining housing that is in line with their ability to pay. These are low-income households that must devote over 30 per cent of their income to housing. The appended tables on households in core housing need indicate that 77 per cent of Quebec households with pressing housing needs have a problem of affordability only (table B), and 92 per cent have a problem of affordability combined with other problems (table A).

1143. Of the 261,000 households with a problem of affordability only, 68.8 per cent, or 179,466 households, consist of single people:

Households with a problem of affordability		
Type of household	Number	Distribution (%)
Single not elderly people	109 630	42.0
Single elderly people	69 836	26.7
Single-parent families	36 179	13.8
Total	215 645	100

Canadian households in core housing need

A. Households having at least one problem

Province	Households with at least one adequacy problem		Households with at least one affordability problem		Households with at least one suitability problem		Total number of households in core housing need	
	Number	%	Number	%	Number	%	Number	%
Newfoundland	9 000	45	10 000	50	2 000	10	20 000	100
Prince Edward Island	2 000	29	5 000	71	0	0	7 000	100
Nova Scotia	17 000	38	31 000	69	4 000	9	45 000	100
New Brunswick	10 000	36	21 000	75	2 000	7	28 000	100
Quebec	58 000	17	313 000	92	24 000	7	341 000	100
Ontario	68 000	17	332 000	85	48 000	12	389 000	100
Manitoba	11 000	27	33 000	80	3 000	7	41 000	100
Saskatchewan	9 000	24	30 000	81	2 000	5	37 000	100
Alberta	19 000	20	82 000	87	10 000	11	94 000	100
British Columbia	26 000	16	148 000	90	18 000	11	164 000	100
CANADA	230 000	20	1 007 000	87	113 000	10	1 164 000	100

Canadian households in core housing need

B. Households having one problem only

Provinces	Households with an adequacy problem only		Households with an affordability problem only		Households with a suitability problem only		Total number of households in core housing need	
	Number	%	Number	%	Number	%	Number	%
Newfoundland	7 000	35	9 000	45	1 000	5	20 000	100
Prince Edward Island	1 000	14	5 000	71	0	0	7 000	100
Nova Scotia	11 000	24	25 000	56	1 000	2	45 000	100
New Brunswick	6 000	21	16 000	57	0	0	28 000	100
Quebec	19 000	6	261 000	77	8 000	2	341 000	100
Ontario	33 000	8	280 000	72	21 000	5	389 000	100
Manitoba	6 000	15	28 000	68	0	0	41 000	100
Saskatchewan	5 000	14	26 000	70	1 000	3	37 000	100
Alberta	9 000	10	65 000	69	3 000	3	94 000	100
British Columbia	11 000	7	121 000	74	4 000	2	164 000	100
CANADA	109 000	9	835 000	72	41 000	4	1 164 000	100

1144. Of households with a problem of affordability, the proportion of tenants is considerably higher than the proportion of homeowners.

The number of people on waiting lists for low-cost housing

1145. The number of households waiting for low-cost housing could be estimated at 30,000 or even 40,000 a few years ago, but is now lower. The Office municipal d'habitation de Montreal (Montreal Municipal Housing Bureau), which manages nearly a third of public housing units, and had 14,000 applicants on its waiting lists, saw its waiting list drop to 7,000 by the end of the period covered by this report.

1146. Although the 655 or so municipal housing bureaux in Quebec and the managers of private non-profit housing receive many applications for housing, social housing requirements cannot be assessed simply on the basis of the number of such applications or the number of people waiting for low-cost housing.

1147. The only indicator is the number of households with acute housing problems (see appended tables), and the Government has made a consistent effort to meet these needs over the past few years.

1148. Assignment of a low-cost housing unit is based on the priority given to the application, depending on the nature of the requirement. In addition, certain external factors may influence the availability of units, such as housing supply and the rate of internal turnover observed by managers (death, departure of tenants), which is 10 per cent a year in Montreal.

The number of people living in social housing

1149. Households occupying social housing or receiving a housing allowance represnted 8 per cent of Quebec households in 1991 as opposed to a little over 3 per cent in 1981. These figures attest to the government's efforts in this regard.

Low-income households receiving housing assistance

Form of assistance	Number of recipients
Low-cost housing managed by municipal non-profit organizations (municipal or private housing bureaux and housing cooperatives)	83 000
Renovation assistance	15 000
Housing allowances (Logirente-Income Security)	137 000
Total	235 000

1150. It is estimated that over 70,000 Quebec households occupy low-cost housing. A further 12,400 households receive assistance under the rent supplement programme, which amounts to nearly 83,000 social housing units.

1151. To these households should be added recipients of housing allowances for the elderly (Logirente), renovation assistance and housing allowances. A total of 235,000 low-income households received assistance in 1993.

(ii) Quebec Human Rights Commission and its initiatives

1152. During the period from January 1990 to December 1994, the Commission received and dealt with nearly 400 complaints of discrimination in housing.

1153. However, the fight against housing discrimination depends primarily on the combined efforts of the Commission and the front-line community organizations. The Commission has also begun efforts to inform public housing agencies such as the Société d'habitation du Quebec, the Régie du logement and the municipal housing bureaux about the problems of economically disadvantaged groups.

1154. Some of the steps taken by the Commission to fight housing discrimination are as follows:

(a) An experiment that tested 200 property owners to evaluate the extent of racial discrimination against Blacks;

(b) An analysis of the government's programmes and policies, as well as various institutional barriers in the housing sector, by the groups concerned with facilitating the right to housing;

(c) The development of a plan to determine new avenues for resolving housing discrimination problems, as well as preparation of a guide to the respective rights of tenants and owners;

(d) Efforts to implement an accelerated response to housing discrimination against single mothers, recipients of social assistance, Aboriginal peoples, disabled persons, new immigrants and the elderly; and

(e) The publication of a brochure on harassment in the housing sector.

1155. As to cooperation with community groups, to answer questions regarding application of the Quebec Charter to housing, the Commission organizes training sessions, primarily in Montreal, for members of community organizations. A video entitled: "Un toit pour Sarah" ("A Roof for Sarah") and an accompanying teaching guide are used extensively. Organizations that receive the training are ones whose clienteles are particularly vulnerable to housing discrimination: literacy or anti-poverty groups, African, Asian, Haitian and Latin-American women's rights groups, Black Anglophones' rights groups, and immigrant support groups.

1156. As to the protection of aged and disabled persons, one of the Commission's mandates is, under sections 7(1) and 48 of the Quebec Charter, is to enforce the right of aged and disabled persons to protection against any form of exploitation. When notified of such situations, the Commission may exercise its authority to investigate and even take legal action to guarantee such protection. Since those responsible for such exploitation are often members of the victim's family, fulfilling this mandate can be a difficult and sometimes delicate task. For this reason, efforts have been made to encourage the health and social services system, and its representatives, to join the fight against exploitation of elderly and disabled persons. The Commission now works with these parties to harmonize initiatives and develop more effective means of intervention.

1157. As to economic exploitation in nursing homes, in 1994, the Tribunal des droits de la personne handed down an important decision regarding the rights of aged and disabled persons in the case CDP v. Brzozowski (1994] R.J.Q. 1447). On the basis of the facts that were reported, describing the situation at the residence operated by the owner, Ms. Brzozowski, the Tribunal concluded that she had violated section 48 of the Quebec Charter "by operating the residence in a manner that allowed her to take advantage of the vulnerability, dependency, isolation or incapacity of some of the residents to take money from their savings and infringe their fundamental rights under the Charter ..." and ordered her to pay damages to the victims.

Respect for the fundamental rights of those receiving social assistance

1158. Section 45 of the Quebec Charter guarantees every person in need the right to measures of financial assistance, provided for by law, to ensure such a person an acceptable standard of living. The purpose of the Act Respecting Income Security is to establish a social assistance policy, including eligibility criteria and application procedures.

The situation of women

1159. Women are among those most affected by the phenomenon of impoverishment observed over the past two decades. In 1990, 20.6 per cent of women in Quebec aged 15 and over were considered to have low incomes, compared with 15.1 per cent of men. However, there are significant differences in the degree of poverty experienced by various age groups and types of family. For example, the poverty rate is 49.4 per cent among single women, 45.4 per cent among single mothers and 35.6 per cent among women over 65.

1160. A number of factors influence the risk of poverty among women, these include separation, divorce and being a single parent or widow, as well as lack of education and persistent barriers in the labour market.

1161. Women are more vulnerable than men to economic restructuring and job insecurity. There is a close relationship between the poverty rate and the type of work performed: over 40 per cent of single people working in the service sector are poor. A high proportion of these workers are women, and the working conditions and pay are such that they cannot rise above the poverty level. In addition, a large number of women lack broad work experience. It can be difficult for them to keep up with the new technologies and retrain for jobs offering better pay or even upgrade their training. These women sometimes have no choice but to accept jobs offering little security.

(i) Collection of support payments

1162. The high rate of failure to make support payments is one of the factors in the poverty of single mothers. In February 1987, a Department of Justice survey revealed that only 45 per cent of support payments are made and that legal proceedings are required to enforce payment in 55 per cent of cases.

1163. Since 1981, the Department of Justice has offered a support payment collection service. Creditors of support payments must report a default in payment to obtain the help of the collection service.

1164. However, in order to promote stability and regularity of payments, the Government of Quebec intends to table a bill on a universal automatic support payment collection system in 1995.

(ii) Determining support payments

1165. Another factor contributing to poverty is the fact that the child support payments awarded in cases of separation and divorce are too low. A working group is currently examining how support payments are determined in search of a solution based on the principle that parents share responsibility for their children. The objective is to develop a reference tool that would help in determining the amount of child support to be paid.

Article 12. Right to physical and mental health

1166. Quebec's health and welfare policy is part of an international trend inspired by the Lalonde report (1974) and initiated by the World Health Organization in the late 1970s. With a view to solving Quebec's most serious social and health problems, the policy offers a way of looking at these problems that recognizes the limits of the health and social services system, whose primary role is to restore lost capacities and correct the main areas of dysfunction.

1167. A look at the situation gives rise to two observations:

(a) Factors contributing to the social and health problems affecting Quebec men and women generally lie outside the health and social services system and relate to each individual's biological baggage, lifestyle and behaviour, associations, physical environment and, to an increasing extent, living conditions, particularly income, education and employment;

(b) Primarily because of their weak socio-economic situation, clearly identified groups within the population of Quebec experience multiple problems and increased risk. Among individuals, these include young people in disadvantaged areas, needy elderly women living alone, and people with severe or moderate disabilities; among families, they include families with children where domestic violence is a problem and low-income families led by single parents; and at the community level, these groups include new immigrants, native communities, and the residents of disadvantaged villages and districts whose economies depend on natural resources.

1168. Consequently, there are two possible strategies for improving the health and well-being of Quebec's population: one involves intersectoral action and harmonization of public policies, and the other depends on improving living conditions, particularly for the most vulnerable groups, and reducing the gap between the different levels of society.

1169. Most measures of a population's health and well-being place Quebec among the most advanced regions. As in all industrialized countries, mortality and morbidity rates have dropped dramatically over the past 30 years.

1170. Since the early 1970s, life expectancy has increased at a rate of over a year every five years. It has improved for all ages, but the most significant gains have been observed for those aged 75 and over.

1171. Declining rates of death and disease are largely the result of a significant drop in perinatal mortality and the sharp decrease in accidental death and such illnesses as cardiovascular diseases, bronchitis, asthma, emphysema and congenital abnormalities. In 1961, the infant mortality rate was 31.5 for every 1,000 live births; it now stands at 6.3, one of the lowest in the world. During the same period, the number of deaths due to cardiovascular disease was halved. The same phenomenon can be observed for deaths due to motor vehicle accidents. However, suicide and tracheal, bronchial and lung cancer, as well as certain sexually transmitted diseases, are gaining. New diseases such as AIDS are also claiming victims.

1172. Rapid increases in life expectancy must be looked at in conjunction with stabilization of the rates of severe disability and much slower progress for life expectancy without disability, which stands at 65 for men and 69 for women.

1173. With respect to habits and behaviour, there has been a significant decrease in the number of people who smoke, an improvement in eating habits , and an increase in physical activity.

1174. But the increase in psychosocial problems is more disturbing and contrasts with the gains made in the area of physical health. Although it is difficult to assess the extent of such problems, and tolerance of certain types of deviant behaviour varies from one era and one community to another, we are still struck by the extent of such problems as violence, abuse, aggression and negligence. Other problems also seem to be on the rise: social adjustment difficulties, substance abuse and homelessness.

1175. To complete this brief overview, all indications are that we have succeeded in easing the difficulties of social integration for people with disabilities, despite the increasing number of chronic diseases.

1176. Quebec has not been spared a phenomenon that is affecting all Western societies: universal access to services has not eliminated the social and health-related inequities between the sexes and between different social and occupational groups. New forms of poverty are emerging among single-parent families, unemployed youth and the homeless. Reducing the inequities related to death and disease is one of the key objectives of Quebec's policy on health and welfare, given the scope of the problems involved. For example, economically disadvantaged people between the ages of 45 and 64 have the same state of health as affluent people aged 65 and over. The poor die 9 years earlier than the rich, and can expect to maintain their good health for 14 years less.

1177. With respect to public health, Quebec has had conventional protection measures for a long time: clean drinking water, domestic waste disposal; and universal vaccination of children.

1178. Like all industrialized countries, Quebec must exercise increasingly rigorous control over its health-care spending. These expenditures represent more than 10 per cent of the GDP. Nevertheless, the principles of universality of health care and social services, equal access regardless of socio-economic standing, and equitable distribution of resources have been preserved. The future holds a shift towards out-patient care, home care, increasing emphasis on community initiatives and a more critical attitude towards the use of new technologies.

1179. In a more specific context, public consultations were held in Montreal in November 1993, under the auspices of the Commission des droits de la personne. A first in North America, the purpose of this initiative was to study the issue of discrimination and violence against gays and lesbians in Quebec. One of the themes dealt with was access to health and social services. It became apparent that homosexuals encounter many difficulties obtaining services that meet their specific needs. The problems experienced by gays and lesbians are social and psychological ones: rejection, lack of self-acceptance, isolation and suicidal thoughts.

1180. The existence of prejudice and a pathological view of homosexuality within the health-care system indicates a failure to understand the experience of gays and lesbians, and explains their reluctance to use such services, for fear of rejection.

1181. For all these reasons, the Commission made a number of recommendations to the Department of Health and Social Services in a consultative report published in June 1994. Emphasis was placed on the importance of ensuring that representatives of the system are sensitive to the problems discussed and receive proper training. The Commission also stressed the need to acquire means of developing services to meet the specific needs of gays and lesbians.

Article 13. Right to an education

1182. In Quebec, primary and secondary education is free and accessible for all children up to the age of 18 (or 21 in the case of students with disabilities). In addition, the Education Act (R.S.Q.,c.I-13.3) stipulates that school attendance is compulsory for all children between the ages of 6 and 16. The school boards, which are responsible for providing primary and secondary education free of charge, receive government grants covering 85 per cent of their costs. The remainder is covered by the property tax they are permitted to levy.

1183. Higher education includes college and university. Public college education is provided by 46 general and vocational colleges (Collèges d'enseignement général et professionnel [(CEGEPs]) around the province. University education is offered by 10 universities. One of these, the Université du Quebec, has six campuses located in various parts of the province. Anyone satisfying the admission criteria, which are primarily based on academic background, may be admitted to a CEGEP or university. Government grants cover 88 per cent of the budget for CEGEPs and 61 per cent for universities.

1184. The education provided by the CEGEPs is free, while universities charge annual tuition fees of approximately $1,500 per student. Quebec also offers a financial assistance programme for students who cannot afford vocational training at the secondary level or college or university training. The average annual financial assistance available through loans and bursaries is $5,800 for a college student and $7,000 for a university student. In 1993/94, 42 per cent of college students and 58 per cent of university students received this type of financial assistance.

1185. The Education Act also gives adults who have not graduated from secondary school the right to receive free literacy and training services leading to a diploma. These adult education services are offered by the school boards. In addition, the government gives financial support to community literacy groups and makes distance learning courses available to the adult population.

1186. The number of students who drop out of school before graduating has grown in recent years. In 1992, the Department of Education observed that 35 per cent of those under 20 had not completed secondary school and, after extensive public consultation, developed an action plan in this regard. The objective of this action plan is to ensure that 80 per cent of those under 20 are graduating from secondary school by 1997. An annual sum of $42 million has been allocated to support the efforts of school boards and schools to discourage dropping out and increase graduation rates.

1187. Highlights of the statistical data on education in Quebec are as follows:

(a) As for registration rates for regular education, the rate for primary and junior secondary education is practically 100 per cent. At the age of 14, 98 per cent of young people attend school. The registration rate is 92.9 per cent for ages 15 to 17, the age group that corresponds to the end of secondary school for most students. For young people aged 18 to 20, who would generally be attending college, the registration rate is 52.3 per cent; there is a discrepancy of 10 percentage points in favour of girls (57.5 per cent) compared with boys (47.2 per cent). Finally, the registration rate for 20 to 24 year olds (the age corresponding to undergraduate university studies) is 23.1 per cent with a 3.5 per cent advantage for girls (24.9 per cent) over boys (21.4 per cent).

(b) As for registration in adult education, in 1992/93, there were 189,041 students registered in adult education courses offered by the school boards (primary and secondary). The proportion of men was slightly higher than that of women. The distribution for the various types of courses was as follows:

Registration in Adult Education	
Literacy	14.8%
Pre-secondary education	13.8%
Junior secondary	20.6%
Senior secondary	32.3%
Preparation for higher education	8.8%
Francization of allophone population	4.3%
Various types of training	5.4%

At the college level, there were 81,183 students registered in adult education services, 12,489 were on a full-time basis and 67,748 part-time.

1188. As for graduation, in 1992/93, in comparison with the entire student population, the probability of obtaining a diploma was as follows:

	Men	**Women**	**Total**
Secondary school diploma	72.6%	88.0%	80.1%
College diploma	31.5%	45.9%	38.6%
Undergraduate university diploma	22.0%	30.4%	26.1%
Postgraduate university diploma	5.0%	4.9%	5.0%

1189. The data on graduation indicate that women have a higher probability than men of obtaining a diploma at virtually every level.

1190. In 1993, total education spending, including operating costs, capital spending and departmental expenditures, was $13.9 billion, which represents 8.8 per cent of Quebec's gross domestic product. Of this $13.9 billion, $11.9 billion came from government subsidies, and represented 22.7 per cent of all government spending. In 1992/93, the cost per student was $5,774 for school boards, $7,042 for CEGEPs and $11,926 for universities.

1191. Salary conditions for teachers are comparable to those for professionals employed by the government. The information contained in previous reports is still pertinent in this regard.

1192. The majority of educational institutions in Quebec are part of the public education system. However, the Act Respecting Private Education (R.S.Q., c. E-9.1) provides for a private education system for preschool, primary school, secondary school and college. This statute describes two types of institution: accredited institutions with permits that receive a subsidy equivalent to 60 per cent of the public education cost per student for each student, and non-accredited institutions with permits, which do not receive subsidies.

1193. For preschool, primary school and secondary school, there were 177 accredited institutions with permits in 1993/94 attended by 85 per cent of all students registered in private education. At the college level, there were 59 private institutions in 1993/94, 25 of which were accredited for subsidy purposes and 2 operating under international agreements. In relation to all students, the proportion of students registered in private subsidized institutions was as follows: preschool, 1.0 per cent; primary, 2.8 per cent; secondary, 15.2 per cent; and college, 12.0 per cent.

Right to education for disabled children

1194. The right to education is understood to imply more than access to school. Quebec seeks an organization of educational services that will fully develop not only the learning but also the social integration of students, in order to prepare them to take their place in the community. The Government of Quebec attempts to reconcile an optimal response to the specific needs of students with severe permanent functional limitations with the objective of integration into regular local schools.

1195. In 1991, students with disabilities represented 1.7 per cent of all students.

1196. As for measures to guarantee equal access to all levels of education, the Education Act guarantees free access to primary and secondary educational services for all school-age children, including the services required to adapt a school to the needs of disabled students. It provides for use of an individualized education plan as a tool for planning their integration into the school setting. Parents are also involved in developing and implementing these plans. The school boards must develop a plan for organization of services for students with disabilities or learning difficulties, and must establish an advisory committee on services for these students.

1197. Four-year-olds with disabilities may be admitted to the preschool developmental and cognitive learning services.

1198. The Department of Education has developed a cooperative education option offering an individualized route to occupational and social integration for young people who do not meet the requirements of vocational training and cannot pursue other studies. Disabled persons also have access to adult training services, including literacy, academic training, job preparation and vocational training.

1199. The Commission des droits de la personne and the Office des personnes handicapées du Québec (OPHQ) (Quebec Bureau for Disabled Persons) have conducted joint research to identify barriers to integration of students with intellectual disabilities in regular classes.

1200. In two decisions handed down in 1994, (Commission scolaire régionale Chauveau v. CDP (1994) R.J.Q. 1196 and Commission scolaire Saint-Jean-sur-Richelieu v. CDP (1994) R.J.Q. 1227), the Quebec Court of Appeal rejected the Commission's argument that section 40 of the Quebec Charter guaranteed the right to integration of intellectually disabled students into regular classes. This argument had been accepted by the Tribunal des droits de la personne. However, the Court of Appeal stated that this section "guarantees that the organization of educational services in each school board will make it possible to offer these students, to the extent possible, special procedures for integration in regular classes or groups as well as integration support services. A school board which, because of the organization of its educational services, cannot offer students with intellectual disabilities any procedure whatsoever for integration would not be complying with the statute or section 40 of the Charter."

The situation of immigrants

1201. For a large number of immigrants, access to educational services provided by the various Quebec institutions remains impossible without knowledge of the French language. The Government of Quebec has therefore adopted a linguistic integration policy.

1202. The Department of Cultural Communities and Immigration offers free courses involving French language integration and introduction to Quebec life to new arrivals, in various formats. In 1993/94, 10,226 immigrants took part in this programme. The programme, which is covered by the Regulation Respecting Linguistic Integration Services and Financial Assistance (R.R.Q., c. M-23.1, r. 3), also enables some categories of immigrants eligible for linguistic integration services to obtain financial assistance for the duration of the programme (section 13 and following of the Regulation).

1203. Furthermore, some years ago, the Department of Cultural Communities and Immigration created a subsidy programme for non-governmental agencies to help them provide Francization services in accordance with their clients' needs. In 1993/94, $1,215,567 were spent under the Programme d'aide à la francisation des immigrants (PAFI).

1204. In January 1992, in a report to the Quebec Minister of Cultural Communities and Immigration entitled "L'alphabétisation chez les immigrants et les membres des communautés culturelles" ("Literacy training for immigrants and members of cultural communities"), Quebec's Council on Cultural Communities and Immigration, the Conseil des communautées culturelles et de l'immigration, concluded that Quebec society seemed to have become aware that there was an illiterate allophone population in its midst. Francization and literacy for immigrants have since been perceived as an obligation and necessity for society and for the immigrants themselves. The Conseil, while recognizing that the extent of this illiteracy was difficult to measure, encouraged the various participants to act together to solve the problem. In this regard, the Conseil formulated very specific recommendations for the Minister of Cultural Communities and Immigration.

Article 15. Right to take part in cultural life, and to enjoy the benefits of scientific progress and the protection of authors' interests

1205. In June 1992, the government adopted the Politique culturelle du Quebec, a cultural policy with three main themes - affirmation of cultural identity, support for artists and the arts, and public access to and participation in cultural life. This policy was the result of extensive public consultations. A parliamentary commission heard 181 agencies and received 264 briefs regarding the cultural policy proposals developed by a consulting group.

1206. Under this policy, the government undertook to create the Conseil des arts et des lettres (Council of Arts and Letters), to promote artistic independence and freedom of expression. The statute creating the Conseil was assented to in December 1992. The responsibilities of the Department of Culture were then directed towards planning, policy definition and coordination of government involvement in cultural affairs.

1207. Previously assigned to two separate government departments, cultural affairs and communications were consolidated in 1994. This structural change means that more emphasis can be placed on the role of the media in cultural matters at the same time that technological changes are offering new opportunities for mass communication. Amendments to the Cinema Act (R.S.Q., c. C-18.1) introduced in 1990 to protect children from violence and pornography have established new restrictive categories for film classification and made videos for rent or sale subject to the same classification provisions as films.

1208. The Second Report of Canada on articles 10 to 15 of the Covenant noted, in paragraph 429, the adoption of statutes on the professional status of artists. Since that time, the Commission de reconnaissance des associations d'artistes (Commission for the Recognition of Artists' Associations) has recognized 14 associations in the realms of theatre, recording, film, visual arts, crafts and literature, whose primary role is to defend the socio-economic interests of their members in their dealings with producers and distributors.

1209. A ministerial policy on cultural development in Aboriginal communities was adopted in 1990. Its objective is to encourage Aboriginal peoples to take charge of their own cultural development; conservation and development of their Aboriginal heritage, affirmation of the cultural identity of each First Nation in the areas of arts and letters and promotion of the creativity of Aboriginal artists, dissemination of their work and recognition of their professional status.

1210. The Department of Culture and Communications participates very actively in exchanges among the Francophone nations, including the initiatives of the Agency for Cultural and Technical Cooperation (ACCT), the Commission internationale du théatre francophone (CITF), an international commission for Francophone theatre, and the TV5 international network.

1211. The Government of Quebec has also signed cooperation agreements in the areas of culture and communications with many partners, including France, Belgium, Mexico, the Ivory Coast and Senegal. The purpose of these agreements is to promote exchanges among institutions and artists.

1212. Still with the aim of promoting international cooperation, the government has helped the Conseil francophone de la chanson (CFC), a council promoting French-language singing and songwriting, and the secretariat of the Organization of World Heritage Cities, l'Organisation des villes du patrimoine mondial, to establish head offices in Quebec.

1213. Finally, the government, primarily through the Conseil des arts et des lettres, offers programmes enabling Quebec artists and artistic companies to travel abroad for purposes of development and dissemination of their works. Other government programmes enable foreign artists to come to Quebec.

1214. Section 43 of the Quebec Charter specifically protects the right of persons belonging to ethnic minorities to express their own culture: "Persons belonging to ethnic minorities have a right to maintain and develop their own cultural interests with the other members of their group."

1215. Further to its adoption of the Declaration on Ethnic and Race Relations in 1986, the Government of Quebec has undertaken to disseminate the content of this declaration in various public forums, with a view to promoting favourable attitudes towards ethnic, racial and cultural diversity. In its policy statement on immigration and integration (the Énoncé de politique en matière d'immigration et d'intégration) (1990), the government also set the objective of increasing public recognition of Quebec's pluralistic nature.

1216. The policy statement specifies that, to achieve this objective, the government intends to promote recognition of the ethnic cultures of Quebeckers of all origins.

1217. Among other concrete measures, the government established a programme for support of ethnic cultures. This programme provided cultural community organizations with financial assistance to carry out special activities and annual programmes for the support and development of ethnic cultures. The programme was abolished in 1992. However, it has been replaced by financial assistance programmes for cross-cultural education and information initiatives.

1218. The creation, in 1991, of the national cross-cultural week and the cross-cultural understanding award stemmed from the same objective, as did the government's participation in the year of racial understanding and Black History Month.

1219. The government has also produced numerous reference tools regarding cultural communities that it regularly makes available to the public, institutions and agencies with a view to promoting better understanding of the contribution made by the cultural communities within Quebec.

1220. The Programme d'enseignement des langues d'origine (PELO) is a heritage languages programme offered by the Department of Education and aimed at teaching languages other than French or English in the public school system during regular school hours. More than 6,716 students took part in this programme in 1992/93.

1221. Finally, paragraphs 950 and 965 to 969 of the initial Report of Canada under the Convention on the Rights of the Child also contain information pertinent to the implementation of article 15 in Quebec.

G. New Brunswick

Article 6. Right to work

Steps taken to safeguard the right to work

1222. There have been two amendments to the Human Rights Act since the last report was submitted: (a) in 1987, the Act was amended to specifically prohibit sexual harassment as a protected ground of discrimination; (b) in May 1992 the Act was expanded to provide protection from discrimination on the basis of sex, including pregnancy, and sexual orientation.

1223. New Brunswick has had an Employment Equity Program in Part I of the Public Service since 1986. The objective of the Program is to improve women's representation in all occupational categories and groups, where they are currently underrepresented, as well as to create a climate that supports employment equity generally. In March 1993, a new strategic direction for employment equity was approved by the Board of Management, which set forth quantitative and qualitative goals for all regular government departments. Departments and agencies in Part I are currently implementing their third three-year action plans covering the period 1 April 1993 to 31 March 1996. An important component of the new direction is the goal of 35 per cent women set for representation in the senior executive officer group by the year 1999. The three qualitative goals of the new direction are the implementation of flexible workplace arrangements; the implementation of a Harassment in the Workplace Policy; and the promotion of a gender-neutral language policy.

1224. In 1993, the province of New Brunswick instituted a Harassment in the Workplace Policy, which applies to all personnel, including casuals employed in Parts I, II and III of the New Brunswick Public Service. The Policy defines four different types of harassment: personal harassment, sexual harassment, poisoned work environment and abuse of authority. In cases where an informal or formal complaint may be laid, the policy outlines procedures to follow, as well as other options, including complaints to the New Brunswick Human Rights Commission, and complaints under the Criminal Code of Canada.

1225. There have been some significant changes to the Equal Employment Opportunity (EEO) programme since the last report was submitted. In 1986, the EEO programme expanded the basis of its service to provide summer employment opportunities for post-secondary students. In 1989, the EEO programme added a job creation component to provide eligible persons with 20-week work experiences, a salary above the minimum wage, and further consideration towards an EEO-funded, 12-month term position. In October 1990, the definition of eligibility was expanded to include visible minority persons, and the EEO programme created a new non-bargaining classification designed to accommodate intellectually disabled persons. In August 1993, an amendment to the Civil Service Act made it possible for persons registered under the EEO programme to be eligible to apply for in-service competitions which would otherwise have been closed to them. Eligible persons can also be appointed to a regular position without competition. During 1995, the EEO programme will double its potential for job-placement opportunities by extending its services into Part II (school districts) of the Public Service.

Steps taken to achieve the full realization of the right to work

1226. In response to the high unemployment conditions, and in an effort to stimulate economic growth and create permanent employment for unemployed New Brunswickers, the provincial government, through partnerships with the Department of Advanced Education and Labour along with other government departments, has continued to develop job-creation programmes over the years. Specific programmes and policies are administered by individual departments, which often act in cooperation with one another in pursuit of these goals.

1227. Fiscal year 1992/93 marked a significant change in emphasis for the Department of Advanced Education and Labour's employment-development programming. A new strategy for the early 1990s was implemented that stressed a client-based approach aimed at assisting unemployed New Brunswickers to move towards permanent employment. In addition, the Employment Programs Branch consolidated its existing programmes, so that they would be more flexible and responsive to the needs of its clients and various stakeholders. These programmes are: (i) Partners; (ii) Skills; (iii) Entrepreneur; (iv) Student Venture; and (v) Job Experience for Tomorrow (J.E.T.). The new strategy adopted by the Department also provided for the allocation of budget dollars by target group and economic region. It also established a more coordinated and consultative process for the design and delivery of employment programming. In 1993/94, the Employment Programs Branch was responsible for budget of $21.4 million under its regular programme 15, and its $1.1 million under its youth strategy, programme 41. The Branch helped to stimulate employment through five regular employment-development programmes and NB Works (see paragraph 1235 below).

1228. In the spring of 1989, the government of New Brunswick released Toward 2000, a comprehensive economic-development strategy. It presented priorities for economic development along with an action agenda. This agenda was implemented during the first term. In April 1993, the government released Toward Self-Sufficiency, which updates the province's economic-development strategy to reflect the realities of global economic competition and to focus on achieving a more self-sufficient society. It provides a framework of priorities and directions for New Brunswick. Toward Self Sufficiency is based on the vision of a New Brunswick that offers all its people, equality of opportunity for economic advancement; a way of life that sustains our natural heritage, respects our cultural diversity and builds on our regional strengths; and quality public services based on sound public finances.

1229. Between 1987 and 1992, the average growth of the Province of New Brunswick exceeded the national average in terms of economic and employment growth.

1230. In fiscal year 1992/93, the provincial and federal governments launched a joint initiative called NB Works. This six-year national demonstration project provides a continuum of counselling, education, training and work-experience services to income-assistance recipients. The project is designed to enable participants to obtain sufficient educational, employment and life skills to strive towards self-sufficiency. NB Works consists of a $117 million federal-provincial commitment to the project's implementation and goals, with the potential to impact future social policy and programming models in Canada. The government partners are the federal department of Human Resources Development and the provincial departments of Human Resources Development and Advanced Education and Labour.

1231. The New Brunswick Community College offered 114 regular training programmes in 1992/93 at its nine campuses. Most are one- or two-year programmes, and several offer on-the-job training. Full-time training is also offered by the Department of Advanced Education and Labour through the New Brunswick College of Craft and Design and the provincial Language-training Centre. Five independent schools of nursing also offer training.

1232. In addition to regular programmes, the Community College campuses are also used as vehicles for the delivery of part-time and night classes, apprenticeship and contract training such as: (a) academic upgrading at the intermediate and senior levels; (b) correspondence courses; (c) the General Educational Development (GED) Tests Certificate, which indicates the capacity of individuals to do high school work and which is accepted by many employers as high school equivalence; (d) night school programmes; (e) and apprenticeship training and certification services. Individuals can obtain apprenticeship training in 63 of the 65 occupations designated under the Apprenticeship and Occupational Certification Act. Also, individuals can acquire a certificate of qualification in 59 of the designated occupations.

1233. Private training organizations operating in New Brunswick are required to register with the Department of Advanced Education and Labour. At the end of fiscal year 1992/93, there were 81 registered schools, up from 58 the previous years. The increase is largely due to an increase in private contracting of training services by the federal Government. Firms wishing to compete for federal contracts must be registered with the province.

1234. Customizing and creating training programmes to meet the specific needs of a company or group has become an increasingly active area for the New Brunswick Community College. Each of the nine campuses can offer tailor-made training programmes. Much of the contract and short-term training is funded directly or indirectly by the federal Government through Employment and Immigration Canada. Provincial departments, particularly Human Resource Development and the Solicitor General, also buy training.

1235. All regular programmes in the New Brunswick Community College System have a tuition of approximately $800 per year. This tuition covers approximately 10 per cent of the actual cost of the training. A number of students have access to sponsorship to cover tuition, as well as some living expenses. Many students have access to student loans, although this is somewhat dependent on income, cost and parental support.

1236. The Income Security Division of the Department of Human Resource Development offers training and employment programmes through its Program Services section. The object of this programme is to provide potentially employable individuals with an opportunity to acquire skills and experience which will increase their employability and limit the likelihood of their long-term dependence on social-assistance benefits. These programmes are delivered in partnership with the federal Government under the Canada/New Brunswick Agreement to Enhance the Employability of social assistance recipients.

1237. The Income Security Division of the Department of Human Resource Development administers the Vocational Rehabilitation for Disabled Persons (VRDP) programme through its programme services section. The programme provides services to disabled adults in the general population for the purpose of reducing or removing, to the fullest extent possible, the effect of a disabling impairment which substantially limits a person's ability to achieve a vocational goal. During the fiscal year 1993/94, approximately 550 disabled clients received service through the VRDP.

1238. In fiscal year 1985/86, the Employment Standards Act was proclaimed effective, resulting in new standards being addressed in legislative form. The new Act contains provisions that require employers to give notice of termination to employees who were employed beyond six months. Every employer in the Province of New Brunswick not party to a collective agreement, when dismissing an employee for cause must do so in writing, setting out the reasons for such action. Otherwise, the dismissal without notice is not valid even if cause exists. The dismissal then becomes a termination without notice, and the employer must pay the employee the wages the employee would have earned during the notice period he or she was entitled to receive. Every employer in the Province of New Brunswick not party to a collective agreement when terminating or laying off an employee must give: (i) a two-week written notice of termination or layoff where the employee has been employed for a continuous period of six months or more, but less than five years; (ii) a four-week written notice of termination or lay off, where the employee has been employed for a continuous period of five years or more. In the alternative, an employer may pay the employee the wages the employee would have earned during the applicable notice period instead of providing written notice. An employer can lay off or terminate an employee without notice provided certain criteria are met.

1239. The Employment Standards Act provides that, in the event of the death of an employee's wife, husband, child, adopted child, father, mother or guardian, an employer shall grant the employee a leave of absence without pay of up to three consecutive calendar days. This leave shall not commence later than the day of the funeral. In the event of the death of an employee's grandfather, grandmother, brother, sister, brother-in-law, sister-in-law, father-in-law or mother-in-law, an employer shall grant the employee a leave of absence without pay of up to one calendar day. This leave is to be taken the day of the funeral. Employers shall not dismiss, suspend or lay off an employee during the leave or for reasons arising from the leave alone.

1240. Employees are protected from unfair employer action by the Employment Standards Act.

1241. Employers in the Province of New Brunswick shall not refuse to employ or hire, or dismiss, suspend or lay off any employee who is pregnant, for reasons due solely to her pregnancy. Provisions concerning maternity leave are outlined in the Employment Standards Act. In addition, a 1992 amendment to the Human Rights Act prohibited discrimination on the basis of sex, including pregnancy.

1242. Section 8 of the Human Rights Act forbids retaliation against anyone who has filed a complaint, given evidence or otherwise assisted in the processing of a complaint of discrimination. In 1991-1992, the Human Rights Commission reported that, of the total number of complaints of discrimination filed with the Commission between 1967 and 1992, 60 per cent were employment related.

1243. The official unemployment rate for the Province of New Brunswick has decreased since the period of the last report. From January 1987 to December 1993, the average rate of unemployment was 12.05 per cent. In the first nine months of 1994, the average rate of unemployment in the province increased to 12.9 per cent.

Article 7. Right to just and favourable conditions of work

Remuneration

(i) Fair wages

1244. Effective 1 July 1996, the minimum wage in New Brunswick is $5.50 per hour. This represents an increase of $1.50 since the last report. All employees who are paid salary, commission or by the piece shall receive at least the minimum wage for all hours worked under the control of the employer. In addition to the general minimum wage rate, there exists special minimum wage rates for counsellor and programme staff at residential summer camps (amendment to the Employment Standards Act, 20 November 1989) and also for categories of employees employed in government construction work (amendment to the Act, 6 December 1990).

1245. All employers in the province of New Brunswick are required to pay their employees: (a) at least every 16 calendar days; (b) all wages and commissions earned up to and including a day that is not more than 7 calendar days prior to the regular pay day; (c) during normal business hours, if the employee did not receive his or her wages on the regular pay day; (d) in Canadian dollars by cash, cheque, or by a deposit to the employee's personal account; (e) when employment ceases, all wages, commissions, vacation pay or other benefits on his or her usual pay day but not later than 21 calendar days after the last day of employment. Other regulations govern statements for pay periods, gross wages, particulars of each deductions and the net pays; further regulations concern tips, gratuities and employer-imposed surcharges.

1246. The Pay Equity Act was passed in June 1989. Pay equity reflects the principle of equal pay for work of equal value, and is a positive step towards labour force equality between male and female employees. Pay equity adjustments in Part I of the New Brunswick Public Service were distributed over a four-year period beginning 1 October 1991. Pay equity will be introduced in Part II of the Public Service (school districts) in November 1994.

1247. The Employment Standards Act provides for equal pay for equal work, where the work of employees of opposite sexes: (a) is performed in the same establishment; (b) is substantially the same in nature; (c) requires substantially the same skill, effort and responsibility; and (d) is performed under similar working conditions. Employers are required to pay these employees the same rate of pay, unless the difference is due to: (a) a seniority system; (b) a merit system; (c) a system that measures earnings by quantity or quality of production; or (d) any other system or practice that is not otherwise unlawful. In addition, any employer shall not reduce the rate of pay of an employee to comply with equal pay requirements. Equal pay provisions are also held to be included in the general anti-discrimination provisions of the Human Rights Act.

(ii) A decent living

1248. According to the 1991 Census, the average annual income in New Brunswick for women was $16,207, while the average annual income for men was $26,184.

Safe and healthy working conditions

1249. There will be a merger between the Occupational Health and Safety Commission and the Workers' Compensation Board in January 1995. The new body will be called the New Brunswick Workplace, Health, Safety and Compensation Commission and will focus on prevention and rehabilitation.

1250. In 1989, the Government increased the maximum fine for conviction under the New Brunswick Occupational Health and Safety Act from $15,000 to $50,000.

1251. Figures released by the Occupational Health and Safety Commission for the period 1 January to 31 December 1993 show that the highest rate of occupational accidents in New Brunswick occur in the following industries: mines, quarries, oil wells; community or business industry; construction industry; and the transportation and communications industry.

Rest, leisure, limitation of working hours and holidays with pay

1252. The basis of the Days of Rest Act is entirely secular and is founded upon a need for a weekly day of rest based upon social and cultural considerations rather than on religious grounds. The Act prohibits all work activity on Sunday, except those activities that are expressly exempted by the Act or the regulations. These exemptions cover a broad spectrum of work activity, ranging from farming and fishing to larger industrial activities such as mining and oil-refining activities. The existing prohibition applies for the most part to those who work in the retail business sector and to those who earn their living in various professions - dentists, architects, carpenters, secretaries, doctors, lawyers, etc. The Act also prohibits the opening of retail businesses on statutory holidays such as Christmas and Thanksgiving, except those retail businesses that are expressly exempted under the Act and regulations. The number of exemptions under the Act and regulations has grown since 1985. Tourist areas are now exempt, as are drugstores and antique and craft stores. In 1991, a pre-Christmas shopping period was exempted for retail businesses and in August 1994, an exemption was granted to all New Brunswick Liquor Corporation Agency stores regardless of the number of persons employed and to all liquor stores during the pre-Christmas period. The current pre-Christmas shopping period was extended to approximately 13 weeks, extending from the first Sunday following Labour Day to the first Sunday preceding Christmas.

1253. The Employment Standards Act states that, except for (a) employees who, in the opinion of the Director, are required to cope with an emergency or (b) an employee who is not usually employed for more than three hours in any one day, every employer in the province is required to give all employees who qualify a weekly rest period of at least 24 consecutive hours. The rest period is to be taken, if possible, on Sunday. This does not authorize any work to be performed on Sunday that is now prohibited by law. Provisions regarding weekly rest periods are contained in the Act.

1254. The Employment Standards Act states that paid public holidays are New Year's Day, Good Friday, Canada Day, New Brunswick Day, Labour Day and Christmas Day. When Canada Day falls on a Sunday, the Monday following shall be observed as a public holiday. All employees who work on a public holiday must be paid time and a half the employee's regular wages for each hour worked that day. Provisions concerning eligibility are outlined in the Act.

Article 8. Trade union rights

1255. New Brunswick's principal legislation concerning article 8 remains unchanged since the last report.

Article 9. Right to social security

1256. Social assistance is a programme of financial support for citizens of New Brunswick who lack the means to provide for their basic needs and the needs of their families, and who have no other source of financial help. A fixed monthly benefit is given to individuals or families who meet the eligibility criteria for the programme for basic expenses related to food, clothing, shelter, routine transportation, fuel and utilities, and household and personal effects.

1257. The Department of Human Resource Development embarked on a major refocusing of its mandate in 1991. This was done in recognition that its legislative and policy framework required significant reforms if it were to reflect the economic and social environment of today and tomorrow. The development of a new policy is based on a year-long dialogue with New Brunswickers. A discussion paper, Creating New Options, was released in December 1993. This was followed by an intensive three-month public and private consultation process by the Breault-Theriault Ministerial Committee. A Summary of the Public Consultations was prepared by the Planning and Evaluation Division of the Department, and released. The Department of Human Resource Development plans to release a new social-assistance policy blueprint in December 1994.

1258. The New Brunswick Medicare Plan is the primary health insurer for eligible New Brunswick residents, and provides for entitled medical and hospital services, regardless of age, state of health or financial condition. Medicare is financed from the general revenues of the province and contributions from the federal Government. There are no premiums.

1259. The Prescription Drug Program provides prescription drug benefits to eligible residents of New Brunswick. The programme consists of several individual drug plans, each designed to meet the needs of beneficiary groups. Beneficiary groups are identified in the programme.

1260. In September 1993, the Minister of Health and Community Services and the Premier of New Brunswick announced that the day-to-day operations of Medicare would be outsourced to the private sector. As a result, the Medicare system would be revamped, a new magnetic strip card would be introduced, and receipts would be issued to residents who have received services from physicians. The initial steps to achieve these goals were taken. Responses to a request for proposals were received in January 1994. As a result, ongoing discussions and developmental work were begun in the fiscal year, and it is anticipated that the outsourcing of Medicare administration will occur in fiscal year 1995/96.

1261. Sickness benefits are normally provided for in collective agreements or company policy for most workers. Concerning the province's policy, civil servants may accumulate up to a maximum of 240 days at a rate of one and a quarter days per month for each full calendar month of continuous employment.

1262. Under the Social Welfare Act, individuals who meet specific medical criteria for disability and financial criteria are entitled to benefits under the Long-term Established Needs Program.

1263. Changes to old age benefits offered by the provincial government since the period of the last report include the following: (a) effective 1 July 1993, employees in the public service can retire without penalty at age 60, instead of 65; (b) effective 1 July 1991, employees in negotiated plans pay a benefit level of 1.3 per cent and 1.4 per cent for earnings that are parallel to the Canada Pension Plan, and they pay 2 per cent of their average salary for their best five years of consecutive service, and; (c) effective 1 January 1993, disability pensions have been replaced by free pensionable service.

1264. Employees in the Province of New Brunswick are protected by the Workers' Compensation Act. Changes to the Act in 1992 resulted in changes to the benefit level effective 1 January 1993. The benefit level for an injured worker is now 80 per cent of net earnings for the first 39 weeks of disablement. Should the period of disablement extend beyond 39 weeks, the benefit level then becomes 85 per cent of net earnings. Benefits are indexed in accordance with the Consumer Price Index for Canada rather than the New Brunswick Industrial Aggregate Earnings.

1265. The Workers' Compensation Act does not apply to persons who are domestic servants or members of the family of the employer who are under 16 years of age, outworkers, professional athletes, or fishing boats with less than 25 crew members.

1266. Rehabilitation may be provided under the Workers' Compensation Act in the form of occupational therapy, retraining or upgrading. This is to aid in removing or lessening any handicap so that the worker may return to work, or to assist in establishing an alternative lifestyle if possible.

1267. As in other provinces, the federal unemployment plan applies to New Brunswick.

1268. Family benefits are provided by both the federal and provincial Governments. At the provincial level, various pieces of legislation deal with the welfare of the family unit.

1269. Social assistance is administered through the Department of Human Resource Development. While there have been changes to the programmes and services offered to unemployed New Brunswickers by the Department over the years, the underlying philosophy and integrity of the Social Welfare Act remains unchanged since the period of the last report. Families and individuals in need may be eligible for income assistance if their monthly income does not exceed limits established by the Department.

1270. The Department of Health and Community Services continues to offer various programmes designed to assist children and their families in times of stress. Services offered by the Department include: family counselling; drug and alcohol counselling and rehabilitation; and gambling counselling.

Article 10. Protection of the family, mothers and children

The family

(i) Protection of the family

1271. The Family Services Act, Chapter C-2.2, 1983, c. 16, s. 1, has seen minor changes since the period of the last report. In 1993, amendments were brought in for the imposition of a surcharge, where payment of a support order is made to the Court. In 1994, the provisions for review boards were repealed, and amendments were made to increase the reporting responsibilities of professionals who ought to have suspected child abuse. Present legislation provides for the Minister of Health and Community Services to require any professional association or other organization to regulate the professional activities of the person, as well as for prosecution.

1272. The Department of Health and Community Services has two divisions that work to protect and promote healthy families, mothers and children. These are: Family and Community Social Services, and Public Health and Medical Services. Individual units administer policies and programmes that work towards the above-stated goal.

1273. The Department of Human Resource Development provides financial assistance to families in need, provided they meet the eligibility criteria, and administers a number of programmes designed to promote the self-sufficiency of families.

1274. The Court of Queen's Bench, Family Division, has as its jurisdiction family-law matters. Several support services are provided to separating or divorcing spouses and single parents within the court premises. These services include: information and screening services; counselling, and mediation services; legal representation; and support order enforcement services.

1275. The Domestic Legal Aid Program was introduced in May 1993. Working together, court social workers and family solicitors in the eight judicial districts are able to represent the interests of victims of spousal abuse. Court social workers, after screening and assessment, refer victims of spousal abuse to the Family Solicitor who is hired on contract to represent their interests, and can provide legal representation to the court for any needed relief sought by the client in the areas of support, custody, access and division of property. The addition of the Domestic Legal Aid Program to an enhanced counselling and mediation service has resulted in a comprehensive range of counselling, mediation and legal services aimed at helping families resolve difficulties arising from separation and marital breakdown.

1276. The recently implemented computer system at Post-adoption Services of the Department of Health and Community Services had a positive impact on improving efficiency in processing requests from the public in fiscal year 1993/94. Post-adoption Services was successful in eliminating the lengthy waiting list of adoptee's requests for non-identifying information during that time period. There remained, however, a waiting list for identifying information.

1277. The Department of Health and Community Services has the legislative mandate under the Family Services Act for the approval, renewal and monitoring of day care facilities in the Province of New Brunswick.

1278. Under the Family Services Act, day care services are defined as "the care and supervision of a child for a period of less than twenty-four hours in a day care facility". A day care facility may be a community day care home or a day care centre, as defined by the Day Care Regulation 83-85 which was enacted in 1983. The Department of Health and Community Services, in statutory response to the authority vested in the Minister of Health and Community Services, has developed the Day Care Facilities Standards for the administration of the Day Care Services Program. These standards and criteria outline specific requirements in relation to safety, health, staff/child ratios, space and equipment, policies and record-keeping.

1279. The New Brunswick Department of Human Resource Development is responsible for the administration of the Day Care Assistance Program, which was previously known as the Day Care Subsidy Program. Families wishing to access funds under the Day Care Assistance Program must enrol their child in a day care facility approved by the Department of Health and Community Services. The Department of Human Resource Development has other programmes with specific criteria where individuals may access child care funding.

(ii) Establishment of the family: housing and other grants

1280. Section 4(1)(g) of the Assessment Act, R.S.N.B. 1973, c. A-14, which provided for exemption from taxation for property owned by women, was repealed in 1986 and replaced by a gender-neutral provision in the Residential Property Tax Relief Act. Section 6.1(1)(b) of this Act allows a reduction of up to $200 from taxes owing, provided the income of the owner/occupier alone does not exceed $12,000, or in combination with the person's spouse or co-habitant does not exceed $20,000, with neither income exceeding $12,000.

1281. In 1992, responsibility for the administration of the New Brunswick Housing Corporation was turned over to the Department of Municipalities, Culture and Housing. Both federal-provincial and unilateral provincial programmes are administered by the Department to assist low- and modest-income families, seniors, singles and disabled persons to obtain and/or maintain adequate, suitable and affordable accommodations.

1282. In 1987, an operating agreement was signed between the New Brunswick Housing Corporation and the New Brunswick Aboriginal People's Council, for the purpose of delivering housing programmes to the off-reserve Native population.

1283. The Department of Municipalities, Culture and Housing administers the Residential Rehabilitation Assistance Program and the Home Improvement Loan Program. These programmes provide forgivable and/or repayable loans to assist low-income households, which own and occupy existing substandard housing to: (a) repair or improve their dwelling to a minimum level of health and safety; (b) and/or to improve the accessibility of the dwelling unit for disabled occupants. These programmes also include the renovation of an existing home to care for an ageing parent. There is also a renovation component that will improve the accessibility of rental accommodations for disabled occupants. During the 1993/94 budget year, the province spent $7,560,000 and assisted 1,225 households. Of this amount, $514,000 were for accessibility repairs for disabled occupants.

1284. Emergency repair programmes offer grants and/or repayable loans to provide assistance to eligible clients for repairs to render their households fit for human habitation. Eligible repairs are limited to those urgently required for the continued safe occupancy of the dwelling. During the 1993/94 budget year, 2,795 households received assistance at a cost of $1,798,000.

1285. The Provincial Home Completion Loans Program offers financial assistance to low- and modest-income households to complete their partially constructed homes. Loans totalling $1,157,000 were provided during the 1993/94 budget year to assist 54 households.

1286. The Down Payment Assistance Program is designed to help modest-income households to buy or build a modest first home. During the 1993/94 fiscal year, the province assisted 178 households at a cost of $1,021,000.

1287. The Rural and Native and Basic Shelter Program provided rural households in need with rental, lease to purchase or ownership tenure. During 1993/94, 55 new units were constructed at a cost of $3,770,000.

Effective 31 December 1994, no new units will be constructed. The programme has been terminated; however, clients will continue to be serviced within the existing portfolio of 2,400 units.

1288. The Rent Supplement Program assists households in need to obtain affordable, adequate and suitable rental housing by subsidizing rents in eligible rental dwellings. The programme is also used to form partnerships with private developers for new construction/renovation projects for the purpose of increasing the number of units available in the marketplace. During 1993/94, 62 households were assisted at an annual cost of $235,000. At the end of 1993/94, a total of 1,375 rental households were being assisted annually.

1289. The Non-profit Housing Program provides subsidization of annual operating costs for private, non-profit organizations to own and manage housing units for households in need. During 1993/94, 108 new units were constructed. As of 31 December 1994, the programme will be terminated. However, the Department continues to manage a non-profit family and senior housing portfolio of 1,520 units.

1290. The Public Housing portfolio consists of 2,500 family and 2,100 senior rental units. These units are owned and operated by the province at an annual cost of approximately $30 million.

1291. The Department also provides family lifestyle enrichment and security through the Home Orientation and Management Program and the Community Involvement Program.

1292. The Department has initiated an Ageing in Place initiative for the purpose of providing direction to departmental staff and to non-profit groups on how to provide safe, adequate and appropriate housing for our ageing tenant population. This policy intends to improve the service to our senior citizen tenants, thereby allowing them to remain in their own homes for as long as possible.

(iii) Care and education of dependent children

1293. The Marital Property Act (1981) recognizes that contributions of husband and wife to a marriage are of equal importance, and each spouse is entitled to an equal share of the marital property except in certain special circumstances. In ordinary circumstances, the Act stipulates that each spouse is equally entitled to possession of the marital home. There are certain rights that flow from this entitlement; therefore, the legal owner of the marital home cannot force the other to leave, and cannot dispose of the home or household goods without the other's consent.

1294. The Family Services Act recognizes that both parents are obligated to contribute towards their children's upbringing to the extent that they are able to do so. In this regard, the support provisions of the Act, unlike those dealing with property under the Marital Property Act, extend to common-law spouses who have lived together for three or more years, or who are in a relationship of some permanence and have a child. Either spouse may ask for support from the other based on their respective need and ability.

1295. There have been changes to the Family Services Act, which provide for stricter enforcement of family support orders. In May 1991, the Act was amended to empower the court to register a lien against a payer's property if the payer is in default of payment of a support order. In April 1992, a new system of enforcing support orders was established in New Brunswick called the Family Support Orders Service. The Service, which is free and optional for those who choose to use it, provides that support orders and agreements filed with the court for the purpose of enforcement are automatically collected and monitored by the court. If the person owing support does not make a payment or underpays, the court automatically takes immediate action to enforce the order. In May 1992, the Act was amended to allow the Family Support Orders Service to apply to the Minister to have a provincial information bank searched. The information is then released to the Service for purposes of enforcing the support order. The release and disclosure of information for the purpose of enforcing support orders shall not be deemed a contravention of any Act or regulation, or any common-law rule of confidentiality.

1296. In September 1993, the Department of Human Resource Development began to enforce a family support orders policy which recognizes that parents have an obligation to support their children and that those seeking assistance must first seek all other means of support. The policy requires single parents who are applying for, or who are already on income assistance to identify the paternity of their child or children to determine their eligibility for and level of income-assistance benefits.

1297. The Schools Act, assented to on 20 June 1990, provides for one publicly funded educational system, from Grade 1 through to Grade 12. Kindergarten is an optional, free programme. The Act applies to all children in New Brunswick without discrimination.

1298. Generally, families are not forced to relinquish their children to foster care because of their inability to provide adequate housing or other necessities. Efforts are made to facilitate access to adequate housing or other necessities through government departments or other community agencies.

1299. Parents are forced through court orders or agreements when the parents' actions or inactions put the child or children in a situation where the children's security or development is in danger.

(iv) Marriage

1300. Subsection 16(1) of the Marriage Act refers to affinity that would bar the marriage. Affinity, or relationship by marriage, as well as consanguinity, are under the sole jurisdiction of the Government of Canada. As of 18 December 1991, the federal Government amended this legislation and removed all references to affinity. At present a man may not marry his mother, daughter, sister, grandmother or granddaughter. A woman may not marry her father, son, brother, grandfather or grandson.

Protection for mothers

1301. In 1989, the province of New Brunswick began to provide a Supplemental Unemployment Benefit (SUB) Plan to employees who had completed one year of continuous employment and who agreed to return to work for a period of at least six months following their maternity leave. The Government supplements the employee's unemployment insurance benefits to 75 per cent of the employee's normal weekly salary for a maximum of 15 weeks. This arrangement applies to all non-bargaining employees and some bargaining employees covered by some collective agreements.

1302. In late 1990, the Province of New Brunswick amended the SUB Plan to reflect the application of a 75 per cent Maternity Leave Allowance Payment (instead of using sick leave) during the two-week unemployment insurance waiting period.

Protection for children

1303. In addition to the many programmes and services provided by the Department of Health and Community Services as a means of providing services to families and children, the Department announced in September 1992 a new initiative called Early Childhood Initiatives for Priority Children and Their Families. This initiative is in response to recommendations arising out of the Report on Excellence in Education and is a collaborative effort of the Public Health and Medical Services Division and the Family and Community Services Division. The aim of these initiatives is to bring children to the kindergarten door who are as healthy as possible and who are ready to achieve their potential. The initiative includes both pre- and post-natal services.

1304. Since 1990, an agreement between the Department of Health and Community Services and the Department of Education provides children with severe behavioural problems in the public school system with social work and psychological support services.

1305. Children are protected by regulations contained in the Film and Video Act and the Videofilm Regulation governing the distribution of videofilm materials in New Brunswick. Films and videos fall into six classifications. A film's content may mean that only certain age groups may see it in a theatre or rent the video from a retail outlet. In some cases, it may be left to a parent or other adult to decide if a film is suitable for a younger viewer. Theatres and video outlets are obliged by law to enforce the age limitations.

1306. The Tobacco Sales Act, which was proclaimed in 1994, prohibits retailers from selling tobacco products to persons younger than 19 years of age. The Act also prohibits persons from buying on behalf of persons for resale to persons under age 19, and prohibits the sale of cigarettes and tobacco sticks unless in a package of 15 or more. Further, it requires that all tobacco retailers post signs about the legal age, and about the health and additional hazards posed by tobacco. The signs were placed in stores in June 1994, apparently setting a world precedent. Retailers can lose their Tobacco Vendor's Licence for infractions under this and other Acts relating to tobacco.

1307. Under its Healthy Public Policy on Tobacco initiative, the Department of Health and Community Services collaborates with the Department of Education and the voluntary sector to raise awareness among young people of the consequences of smoking. Educational materials and resources have been distributed in the schools on a regular basis, including copies of Health Canada's Diary of a Teenage Smoker, a videotape and facilitator's guide designed to raise awareness about smoking among young women. The Break Free All Stars kit has been and continues to be sent to various youth groups and organizations around the province. Television commercials have been run, including an advertisement developed by Communications New Brunswick, to raise awareness among parents of the effects of second-hand tobacco smoke on children. The Department of Health and Community Services has also promoted non-smoking public places and workplaces to reduce the exposure of non-smokers to second-hand tobacco smoke.

1308. The Employment Standards Act places some restriction on the employment of persons who are under the age of 16 years. An employer is prohibited from employing a person who is under the age of 16 years in employment that is or is likely to be unwholesome or harmful to the person's health, welfare, or moral or physical development. Provisions regarding the amount of time, and when and where children can work, are available from the Department of Advanced Education and Labour, Employment Standards Branch.

1309. Work permits authorizing the employment of children may be issued by the Director under the Employment Standards Act. Applications for such permits may be obtained from any office of the Department of Advanced Education and Labour. During the fiscal year 1993/94, the Department issued 309 such work permits.

Article 11. Right to an adequate standard of living

Right to an adequate standard of food, clothing and housing

1310. The Department of Human Resource Development provides financial assistance under the Social Welfare Act to persons in need who meet the eligibility requirements for social assistance. This ensures that all persons have the money to purchase food, clothing and housing.

1311. The Department of Human Resource Development administers various programmes and policies that ensure that eligible New Brunswickers have access to available resources, which will help them to maintain an adequate standard of living. The Income Security Division is responsible for the effective delivery of programmes and services required to meet departmental objectives of providing financial support to clients in need and helping clients achieve self-sufficiency. The Income Security Division administers various sections, including: Operations; Income Maintenance; Program Services; and Income Support Services.

1312. Income Maintenance is responsible for ensuring that the Department has the financial and procedural guidelines available to enable staff to provide effective and cost-efficient services in accordance with policy. The section administers the following programmes: Interim Assistance Program; Upgrading Training and Placement Program; Nursing Home Assistance; Special Needs Benefits Program; and the Family Support Orders Service. The Family Support Orders Service is administered in cooperation with the Department of Justice, and the Nursing Home Assistance Program is administered in cooperation with the Department of Health and Community Services.

1313. The Program Services section is responsible for the development, implementation and central office administration of programmes and services designed to help clients achieve self-sufficiency. Generally, these programmes offer a combination of services related to counselling, training, education and work experience. Programmes administered by the Program Services section include: Training and Employment Program; NB Works; Community Voluntary Action Program; Vocational Rehabilitation for Disabled Persons; and the Self-sufficiency Project.

1314. Income Support Services is responsible for the administration of social assistance programmes that can be managed from one central location in Fredericton. These include the Long Term Established Needs Program (LTEN); the Health Services Program; and the Assistance with Rental Costs Program. Income Support Services also oversees the administration of the Day Care Assistance Program, as well as the coordination of the Medical Advisory Board's activities.

1315. The Community Voluntary Action (CVA) Program of the Department of Human Resource Development provides financial assistance to non-profit community-resource agencies in a shared commitment to meet the basic needs of low-income people in the community. Assistance in funding these organizations facilitates the implementation of initiatives that complement and supplement existing services within the community. During fiscal year 1993/94, funding was provided to 41 groups across the province to assist them in areas of financial and/or in-kind support. Such projects included food, clothing, furniture and community kitchens.

1316. The Department of Human Resource Development administers the Assistance with Rental Costs (ARC) programme, which is designed to provide assistance to persons 60-64 years of age and persons certified as disabled. The level of assistance is based on the amount of rent paid, and the total income and assets of the applicant. Eligibility requirements are contained in the programme. In fiscal year 1993/94, assistance was provided to 114 seniors and 234 disabled individuals in rental accommodations and 115 disabled persons in room and board situations. No new applicants were accepted by the Department during the year due to a continuing freeze on access to the programme, announced in 1992.

1317. In 1992, responsibility for the administration of the New Brunswick Housing Corporation was turned over to the Department of Municipalities, Culture and Housing. Both federal-provincial and unilateral provincial programmes are administered by the Department to assist low- and modest-income families, seniors, singles and disabled persons to obtain and/or maintain adequate, suitable and affordable accommodations.

1318. The New Brunswick Housing Act provides shelter allowance for family, singles, senior and disabled individuals residing in rental accommodations. Forgivable loans are provided to landlords to improve the accessibility of rental accommodations for disabled occupants. All loans and grants provided to homeowners and landlords for new construction and or renovation must comply with the standards of the National Building Code of Canada.

1319. The Department of Municipalities, Culture and Housing administers a number of programmes to assist disadvantaged rural households to attain a minimum of health and safety standards, including provision of water supply and sewage disposal. For additional information on the types of housing programmes offered by the Department, please refer to paragraphs 1285-1297 above.

1320. The Social Services and Education Tax Act provides for tax exemptions on food and beverages for human consumption other than certain prepared foods such as liquor or carbonated beverages. The Act also provides exemptions for prepared food and beverages when purchased by a Meals on Wheels or other similar non-profit organization for distribution or resale to aged, infirm or needy persons.

1321. The Social Services and Education Tax Act provides for tax exemptions on clothing and footwear purchased at a fair value of $100 or less per article.

Measures to improve methods of production

1322. The New Brunswick Department of Agriculture administers 40 acts concerning food production and utilization of natural resources. It provides its services through various branches and sections.

1323. The Land Resources Branch of the Department of Agriculture provides technical support services to the agricultural industry. It provides for soil, feed and tissue laboratory analysis, land information and suitability information, as well as climatology services. Engineering staff provide advice and technical support services regarding farm structure, farm machinery, environmental protection and pollution control, farmland drainage, soil and water conservation, irrigation and other agricultural engineering matters. The Branch is involved in land use and development policies, including Program Administration in Land Improvement, Certificate of Compliance and Environmental Sustainability.

1324. Under the Farm Safety Net Branch of the Department of Agriculture, credit and other forms of financial assistance are available to viable agricultural operations under the guidelines of the Agricultural Development Act. The Branch administers the Farm Machinery Loans Act and the Livestock Incentives Act. The Branch also provides farmers with a range of voluntary financed safety net programmes such as Crop Insurance, Gross Revenue Income Plan (GRIP) and Net Income Stabilization Account (NISA).

1325. The Marketing and Food Industry Branch of the Department of Agriculture provides market research, market information, strategic planning, and trade analysis to the Department and the agri-food industry. As well, the Branch provides technical, business and marketing advisory services to the food-processing sector. It also provides a market-development service encompassing the delivery of services in the areas of market development, promotion, physical distribution and market research. The Market Organization and Inspection Branch provides the funding and administrative support for the Farm Products Marketing Commission. The Branch also provides inspection and enforcement services under the Dairy Products Act, the Oleomargarine Act and the Imitation Dairy Products Act.

1326. The Social Services and Education Tax Act, R.S.N.B. 1973, c. S-10, makes provision that no tax will be charged on a specific list of agricultural items. The Real Property Tax Act provides for the deferral of the provincial property tax on farm land and outbuildings.

1327. In addition to the Plant Disease Act and the Weed Control Act, the Potato Disease Eradication Act and the New Brunswick Grain Act are also designed to protect and improve crops and resources.

Article 12. Right to physical and mental health

Reduction of the stillbirth and infant mortality rates

1328. Between 1987 and 1992 stillbirth rates fluctuated, with the 1992 rates per 1,000 showing a slight increase from the 1987 rates at both 20+ and 28+ weeks of gestation. The stillbirth rate 1,000 for 28+ weeks of gestation was calculated at 3.90 in 1987 and 4.29 in 1992. The stillbirth rate 1,000 for 20+ weeks of gestation was calculated at 4.94 in 1987 and 5.26 in 1992.

Improvement of all aspects of environmental and industrial hygiene

1329. The Beverage Containers Act, which came into force on 1 June 1992, provides for the management of all soft drink, juice and alcohol containers purchased in New Brunswick. Consumers pay a deposit on all containers at the point of purchase, except for beer bottles, which carry a fully refundable deposit of $1 per dozen. Upon return to a redemption centre, a refund of 10¢ is paid for refillable containers and 5¢ for recyclable containers. The used containers are either refilled or recycled into consumer products.

1330. The Ozone Depleting Substances (ODS) Regulation, which came into force in 1992, bans non-essential uses of all ODS in New Brunswick, including chlorofluorocarbons, halons, methyl chloroform and carbon tetrachloride. Only trained and licensed technicians may service ODS equipment or sell ODS, with a permit. All ODS must be recovered from equipment before equipment disposal and recycling. All large ODS systems must be tested for leaks annually. All owners of ODS must record their storage and use.

1331. The Environmental Trust Fund supports projects aimed at environmental protection, environmental restoration, promotion of sustainable development, conservation of natural resources, education on environmental and sustainable development issues, and enhancement of New Brunswick's visual environment. A total of $56.5 million has been awarded to support 427 projects since the Fund was established in 1990.

1332. The Clean Air Strategy calls for public participation in setting air-quality objectives in Air Resource Management areas. These areas are Madawaska, Restigouche-Chaleur, Nepisiquit, Miramichi and Saint John-Fundy. Committees will be named in each of these areas in the near future to examine local air quality, identify sources of air pollutants, and propose measures to maintain and improve air quality.

1333. Under the Clean Environment Act, the maximum fines have been increased as follows for the violation of any provision of this Act or the regulations:

in the case of an individual, not less than $500 and not more than $50,000; in the case of a corporation, not less than $1,000 and not more than $1 million.

1334. More than 9,500 unprotected underground petroleum storage tanks have been removed to date in accordance with the Petroleum Product Storage and Handling Regulation, to prevent contamination of aquifers and property damage from leaking petroleum products. All new tanks installed must adhere to rigid standards to ensure protection of soil, groundwater and property. New Brunswick is recognized as a national leader in the effort to protect groundwater from petroleum contamination.

1335. The province has made major progress in building a network of regional solid waste management systems to serve New Brunswick. There are now three state-of-the-art sanitary landfills in operation in New Brunswick equipped with the infrastructure to prevent contamination of land, water and air, and several solid waste commissions are planning additional regional systems. Sixty-seven dumps have been closed, and all regional programmes are emphasizing waste reduction measures at the local level.

1336. In 1993, the Potable Water Regulation was introduced under the Clean Water Act. The Regulation requires that municipal as well as Crown-owned systems are tested on a regular basis to ensure the quality of water supplies provided to the public. The province's new state-of-the-art environmental laboratory coordinates this testing process. In 1994, the potable water-testing process included newly drilled and repaired domestic water supplies as well.

1337. To ensure the protection of drinking water supplies for present and future generations, 31 watersheds have been designated as protected areas under the Clean Water Act. These watersheds supply drinking water to 25 municipalities and approximately 300,000 New Brunswickers. Development of a wellfield protection programme to protect aquifers that supply drinking water is also under way.

1338. Under the Environmental Impact Assessment Regulation, individuals, companies or public agencies who propose projects that have a significant impact on New Brunswick's environment must submit details of their proposal to the Minister. The Minister decides whether an environmental impact assessment of the proposal is warranted, or approves a project with conditions, without conditions, or refuses the proposal. The Regulation includes a schedule of generic proposal types for which a developer must submit details to the Minister. Monitoring of in-depth environmental quality indicators is carried out by various branches of the Department, including the Water Resources Monitoring Section, the Air Quality Section, the Investigations and Enforcement Branch, and the Solid Waste and Recycling Section.

Prevention, treatment and control of epidemic, endemic, occupational and other diseases

1339. The Occupational Health section of the New Brunswick Occupational Health and Safety Commission deals with the conservation of the health of all workers in all occupations. Concerned with much more than communicable diseases, the focus has expanded to include epidemiology, environmental health, toxicology, safety, health education, early disease detection, disease prevention, health promotion and medical surveillance. Occupational Health provides information on such concerns as stress and shiftwork, hypothermia, body mechanics and repetitive strain injuries, health-risk appraisals, hearing conservation, pulmonary-function testing and the creation of smoke-free environments. The Occupational Health section coordinates the Back in Action programme (1990-1994) and the Ergonomics Demonstration Project (1992-1993); develops and evaluates the first-aid portion of the annual Mine Rescue Competition; and has worked with the health assessment at Brunswick Mining and Smelting since 1987.

1340. The Occupational Hygiene section of the Occupational Health and Safety Commission is committed to prevention through education. During 1992/93, the last year for which statistics are available, the section held 13 workshops, covering lab safety, confined space entry and the Workplace Hazardous Materials Information System. A highlight of 1992/93 was the agreement reached between the Commission and the New Brunswick School of Fisheries that the school would provide a health and safety module as part of their Total Quality Control Program. The course was developed during the winter, and teaching began in February 1993. The Program continued in 1994.

1341. The goal of communicable disease control is to eliminate communicable diseases as a public health problem. To help reach that goal, the Department of Health and Community Services uses vaccination and immunization programmes against certain diseases. It also oversees food control, air and water testing, physical examinations for certain types of work, the regulation of nuisances and enforcement of sanitary regulations, and public education.

1342. The Department of Health and Community Services maintains surveillance of communicable diseases in New Brunswick. This includes consultation and liaison with the District Medical Health Officers, physicians and other health care professionals, as well as with the Laboratory Centre for Disease Control in Ottawa. Numbers of reported cases fluctuate from year to year.

1343. Education towards prevention has been an integral part of Health and Community Services work involving HIV/AIDS. In the fiscal year 1991/92, there were a number of activities stemming from the AIDS Education Strategy for New Brunswick, including a media campaign that ran in October-November 1991. Advertisements on AIDS aimed at university students appeared on calendars and in booklets and campus newspapers. A poster on AIDS targeted for universities, community colleges, bars and nightclubs was also distributed. Public health regions received funding to do AIDS education for numerous activities and projects. The Department also funded AIDS New Brunswick's toll-free information line.

1344. In the fiscal year 1992/93, extensive efforts were made to address the issue of HIV/AIDS in the workplace. Information sessions were provided for several departments of Government, and assistance was given to departments in the development and revision of policies regarding AIDS in the workplace.

1345. In the fiscal year 1993/94, the AIDS Education Strategy for New Brunswick initiated numerous activities: a media education campaign on AIDS; another AIDS advertisement aimed at university students appeared on calendars, booklets and campus newspapers; Come Sit By Me, an educational storybook on

AIDS, was given to all elementary schools in the Miramichi region; a major AIDS-awareness programme was organized with HIV+ motivational speakers; and the Department of Health and Community Services funded the Nurses Workplace HIV/AIDS Education Project.

Creation of conditions that assure medical services

1346. The New Brunswick Medicare Plan is the primary health insurer for eligible New Brunswick residents and provides for entitled medical and hospital services, regardless of age, state of health or financial condition. Medicare is financed from the general revenues of the province and contributions from the federal Government. There are no premiums.

1347. The Prescription Drug Program provides prescription drug benefits to eligible residents of New Brunswick. The Program consists of several individual drug plans, each designed to meet the needs of beneficiary groups. Beneficiary groups are identified in the Program.

1348. The Department of Human Resource Development assists eligible individuals with the purchase of certain basic health services, supplies or items not ordinarily covered by Medicare or private health plans. Beneficiary groups and available benefits are identified in the programme.

1349. The Mental Health Act was amended in May 1994 to provide expanded rights for psychiatric patients in New Brunswick. In addition to a number of changes that will affect administrators, tribunals, review boards and the police, the new Act includes changes in the following areas: policies and procedures for voluntary and involuntary admission and obtaining consent; the creation of three patients' advocates in the province; and increased privacy and right to information for psychiatric patients. Policies and procedures are contained in the Act.

Article 13. Right to education

Measures taken to promote the full realization of the right of everyone to education with a view to achieving the full development of the human personality, etc.

1350. In 1992/93, the New Brunswick Human Rights Commission, in cooperation with the Department of Finance, Equal Employment Opportunity Program and Communications New Brunswick, produced and developed a three-part film package called Foundations for Fairness, which deals with human rights, prejudice, discrimination, stereotyping and racism. The package is accompanied by a study guide, which contains lesson plans and activities aimed at youth and general audiences. It is available upon request from the Human Rights Commission.

1351. Also in 1992/93, the New Brunswick Human Rights Commission researched and developed a publication called Rights and Responsibilities: The Fourth and Fifth R's of Education. The publication contains lesson plans on stereotyping, prejudice, discrimination and racism, and is aimed at a wide audience of youth and adults. The publication is available for free from the Human Rights Commission.

1352. In 1992, the Human Rights Commission designed and distributed a pamphlet on racism called "Say No to Racism!" The pamphlet contains practical suggestions and advice on what to do when you see prejudice, stereotyping, discrimination and racism occur, and is available for free from the Human Rights Commission. The Commission also developed a mobile display unit celebrating the International Day for the Elimination of Racial Discrimination and International Human Rights Day.

1353. In August 1989 the Minister of Education released a ministerial statement on multiculturalism and human rights education. The statement is intended to send a clear message that the Department of Education is committed to the development and enhancement of school programmes and operational practices that promote the dignity and fundamental worth of all human beings regardless of racial, religious or socio-cultural background. It contains a number of statements that provide a rationale and framework for the six major principles that form the essence of multicultural/human rights education. A final section focuses on recommendations for implementation.

1354. In 1989/90, the Department of Education developed a unit on the Holocaust, which has been incorporated into the curriculum as part of the Modern History course for Grade 11.

1355. The English section of the Department of Education has a number of initiatives that focus on human rights education. At the primary level, Grades 6, 9 and 12, the Social Studies curriculum introduces students to other peoples, cultures and world issues. A cross-curricular literature approach also infuses world perspectives and other human rights issues from kindergarten - Grade 12.

1356. A Human Rights in the Elementary Classroom kit has been prepared jointly by the Maritime provinces. It consists of a bibliography, teacher's manual, video and facilitator's guide. Representatives from each school district will receive in-service training at the district level on these materials.

1357. The Department of Education has also completed a study of initiatives concerning the Asian-Pacific region undertaken across Canada in conjunction with the Asia Pacific Foundation. This will be used to give further consideration to plans in New Brunswick concerning the region.

1358. Some initiatives in the area of First People's education have been undertaken. These include the introduction of a Native Studies course in the high school and a number of projects that focus on cross-cultural understanding.

1359. The New Brunswick Global Education Project was established in 1987 to promote greater global awareness among New Brunswick's students and teachers. The Project is sponsored by the New Brunswick Teachers' Association, the New Brunswick Department of Education and the Canadian International Development Agency. Phase III of the Project will conclude in June 1995. Central to the work of the Global Education Project is the recognition of the interdependent nature of today's world and the need to address the inequities that characterize that world.

1360. In 1987, the Association des enseignantes et des enseignants francophones du Nouveau-Brunswick (AEFNB), the Ministry of Education - French sector, and the Canadian Agency for International Development (CIDA) established the Projet d'éducation à la solidarité internationale (PESI). PESI has as its main objective the training/education of the Francophone teaching personnel of New Brunswick with regard to the concepts of interdependence and internationalism. PESI uses a multidisciplinary approach within a global context. PESI is currently at phase three of the project, the objective of which is to expand the basis of the project by implementing it throughout the French educational system.

1361. The French sector of the Department of Education has developed programmes in human rights and multiculturalism. At the elementary school level, concepts of human rights and respect for others are developed throughout the Social Studies curriculum. Grade 9 has a curriculum that deals with issues such as cultural diversity and pluralism in the Maritime provinces. In 1995, four teachers from the French sector of the Department of Education will train and experiment with human rights materials developed by the Maritime Provinces Education Foundation (MPEF).

Right to primary education

1362. In May 1992, the Commission on Excellence in Education released its first report, Schools for a New Century, which was a review of the New Brunswick public school system. The report contained a series of recommendations in the following key areas: learning; teaching, teachers and training; curriculum; partnerships; and leadership. In September 1992, the Government made its first response to that report by announcing a series of actions consistent with many of the recommendations made. The provincial Government has allocated $61.1 million over four years beginning in fiscal year 1992/93 towards Excellence in Education initiatives.

1363. The Schools Act, assented to on 20 June 20 1990, provides for one publicly funded educational system, from Grade 1 through to Grade 12. Kindergarten is an optional, free programme.

1364. School districts are responsible for the delivery of educational programmes and services to all children registered within their school boundaries.

1365. The Student Services Branch of the Department of Education is responsible for the policy, guidelines and coordination of resources for the development of educational programmes and services for children with special needs, i.e. hearing impaired, visually impaired and exceptional children.

1366. The Atlantic Province Special Education Authority offers consultation and support services for school districts. Support services include instruction in areas that relate directly to the visual or hearing impairment, such as Braille or orientation and mobility, and/or adaptive materials such as large print, Braille or taped texts.

1367. Under the Excellence in Education initiatives, the Department of Education has allocated $5 million in additional funding to school districts to provide services for children with learning disabilities or behavioural disorders. This funding is spread over a four-year period 1992-1996.

1368. All learning-disabled students are provided programmes in their local schools, administered by schools and school districts. Assistive technology, i.e. computers, CD Roms, printers and software, have been provided by the Department of Education to each school district for use with learning-disabled students. Tutoring services for learning-disabled students are also being provided under the Excellence in Education initiatives.

Secondary education

1369. The Department of Advanced Education and Labour continues to offer a number of technical and vocational guidance and training programmes through the Community College system. For further information on this subject, please refer to paragraphs 1236-1240.

Higher education

1370. In January 1993, the Commission on Excellence in Education released its report on post-secondary education, education, training and lifelong learning in New Brunswick. Entitled To Live and Learn: The Challenge of Education and Training, the report contained key recommendations in four areas: basic issues; learning for life; community colleges, other post-secondary institutions and private institutions; and universities. Some of the initiatives to come out of this report include the following from the Department of Advanced Education and Labour: 30 new distance-education sites are now established in New Brunswick with the expectation that more will be established in the future; information technology linkages between publicly funded libraries are being established; and credit-transferability between colleges and universities is accelerating, and a variety of accreditation initiatives are being taken by the Department.

Fundamental education

1371. During International Literacy Year, 1990, the Premier of New Brunswick established an Advisory Council on Literacy, which developed a framework for action. This framework outlined new roles for Government, the community and the private sector with respect to the provision of literacy training.

1372. In the fall of 1991, the first Minister of State for Literacy in Canada was appointed to provide leadership and a unified focus to ensure that the level of literacy for all New Brunswickers is commensurate with their need and potential. The mandate of the Office of the Minister of State for Literacy encompasses advocacy and promotion, and is carried out across all departments of Government. The Department of Advanced Education and Labour continues to have responsibility for the provision of fundamental education to adults who have not received or completed the whole period of their primary and secondary education.

1373. A major shift in the way that literacy programmes were funded and delivered was developed in 1991. The implementation of a community-based approach to the delivery of literacy training at the basic and intermediate levels (Grades 4-6 and 7-9 respectively) shifted the location of training from an institutional to a community setting, where learners reside, and integrated this community-based approach with existing training-delivery modes for Grades 1-3 provided by volunteers under the Laubach Literacy New Brunswick Program and for the senior Grade levels (10-12) in the Community College system. This community-based approach involves communities directly in the design and delivery of literacy training, and allows for the adaptation of the general Community Academic Services Program (CASP) model to meet the specific needs of the community, whether they tie in with shift work, seasonal employment cycles or the needs of specific types of learners in the community.

1374. A new entrepreneurial approach to the funding of literacy programming was initiated as well. Literacy New Brunswick Inc., a non-profit organization with a board of directors drawn from the private sector, was established. Since its establishment, financial contributions of $1.9 million have been received from private-sector partners. Communities were given the opportunity to buy in to the CASP initiative by virtue of the fact that they are raising 14 per cent of the cost of each programme. Since the programme got under way in June 1991, 392 CASPs have been funded by Literacy New Brunswick Inc. in 106 communities throughout the province with 180 providing training in English, 202 in French and 10 in both languages. Each CASP has provided 20 openings for a total of 7,840 learning opportunities since June 1991.

1375. In June 1993, Literacy New Brunswick Inc. received funding from the Canada/New Brunswick Cooperation Agreement on Entrepreneurship and Human Resource Development to develop a workplace literacy model. The Learning in the Workplace Initiative provides fiscal incentives to interested corporations and small businesses to establish literacy-training centres and workplace-training opportunities. As of 30 September 1994, 14 Learning in the Workplace Initiatives had been established and have offered training to 370 workers.

1376. Other ongoing literacy initiatives in New Brunswick include financial grants to literacy councils, which match volunteers to learners on a one-on-one basis; correspondence service and night school academic upgrading programmes; youth strategy Adult Learning Centres established to provide downtown storefront centres for the 15-24 age group, which is having difficultly making the transition from school to work; and NB Works learning centres administered by the Department of Human Resource Development for income-assistance clients.

Establishment of an adequate fellowship programme

1377. The Student Services Branch of the Department of Advanced Education and Labour is the designated authority for the administration of the New Brunswick Student Loan (NBSL) and the Canada Student Loan (CSL) programmes.

1378. The provincial student loan programme was changed during the academic year 1993/94. The province offers a maximum student loan of $80 per week and the Canada Student Loan programme offers a maximum of $165 per week. Both loan programmes are linked together in the following way: based on the full-year needs assessment of individual students, 60 per cent of that need is offered through the CSL programme in the first semester, and 40 per cent is offered through the NBSL programme in the second semester. If the student's need is greater than both these programmes can offer, the province of New Brunswick offers a bursary to the maximum of $35 per week for single students and $65 per week for married and single parent students. Bursaries are non-refundable. Eligibility requirements are outlined in the respective programmes.

1379. The Loan Rebate Program was replaced with the Achievement Rebate Program in academic year 1993/94. Any student who meets the eligibility requirements and who has a year's debt-load over $4,000 can apply for a provincial rebate of up to $500. This rebate is sent directly to the bank and is applied to the overall student loan debt.

1380. During the academic year 1993/94, the average student in New Brunswick borrowed $4,914 from both the federal and provincial student loan programmes combined. A student who borrowed at this rate for four years would accumulate a debt of $19,656.

Article 15. Right to take part in cultural life, and to enjoy the benefits of scientific progress and the protection of authors' interests

1381. In 1991, the Government changed the name of the Department of Commerce and Technology to the Department of Economic Development and Tourism. Although the Science and Technology Secretariat and the Minister's Advisory Board on Science and Technology have been dissolved, many scientific projects and activities are still undertaken by the Department.

1382. In 1992, the Canada/New Brunswick Cooperation Agreement on Economic Development succeeded the earlier Subagreement on Industrial Innovation and Technology Development. Similar to the earlier Subagreement, the Cooperation Agreement provides funding to universities, research centres, industry and other organizations for research and development in New Brunswick. Incutech Brunswick Inc. remains active. It provides shared facilities and services for young start-up companies with research and development activities. The Research and Productivity Council is a provincial organization that assists companies in research, testing, analysis and development of new products. Other provincial programmes that assist scientific progress include the Medical Research Fund of New Brunswick, scholarships to university and community college students, and training programmes.

1383. In 1994, the Province of New Brunswick formed the Electronic Information Highway Secretariat within the Department of Economic Development and Tourism. There is a Minister of State for the Electronic Information Highway.

1384. New Brunswick continues to be represented on many national councils, boards and committees concerning matters of science and technology. National Science and Technology Week is held annually in association with federal activities.

H. Nova Scotia

1385. This report contains information on developments in Nova Scotia since its submission to Canada's first and second reports on articles 6-15 up to and including 30 September 1994.

Article 6. Right to work

Steps taken to safeguard the right to work

1386. The Nova Scotia Human Rights Act, R.S.N.S, c.214, as amended by S.N.S. 1991, c.12, underwent major revisions in 1991, which had the effect of providing protection to Nova Scotians not yet covered, as well as providing extended protection to other Nova Scotians. Family status, defined as being in a "parent/child relationship", was added as a new ground, and the protection from discrimination on the basis of marital status was expanded to apply to all facets of public life. Pregnancy-based complaints were confirmed to be discrimination based on sex. The Act also specifically prohibits sexual harassment. The prohibition of discrimination on the basis of age was expanded to include all ages. Discrimination on the basis of political affiliation, activity or association was also included as a new prohibited area of discrimination. Although persons of Aboriginal origin could lodge complaints since the inception of the Act, they would do so on the basis of ethnic origin. Aboriginal origin is now specifically listed as one of the prohibited grounds of discrimination. The Nova Scotia Human Rights Commission's policy is that complaints of racial harassment are considered to be complaints of race discrimination. The Act now provides protection against discrimination on the basis of: race, colour; creed; religion; national, ethnic or Aboriginal origin; sex (includes pregnancy); age; marital or family status; physical or mental disability; sexual orientation; political activity, affiliation or association; source of income; fear of contracting an illness or disease; sexual harassment; and association with members of groups protected under the Act.

1387. The Nova Scotia Human Rights Commission will also accept and investigate complaints from individuals who, as a result of filing a complaint, giving evidence or otherwise assisting in the processing of a complaint of discrimination, are subjected to retaliation.

1388. The Labour Standards Code, R.S.N.S. 1989, c.246, as amended by S.N.S. 1991, c.14, continues to be the primary legislation regulating the rights of employees and employers.

1389. In 1993, the Minimum Wage Order, a regulation under the Labour Standards Code, eliminated its lower minimum wage rate for persons under the age of 18. The minimum wage is now the same for all employees. As of September 1994, the minimum wage was $5.15 per hour.

Technical and vocational guidance and training

1390. The Vocational, Trades, Technical and Technological Training Act, R.S.N.S. 1986, c.18, provides for 18 community colleges. All community colleges provide post-secondary instruction and education to qualified students at minimal fee averaging $700 per year.

1391. Since 1993, the Collège de l'Acadie provides French-language community college courses through distance education. French-speaking students who traditionally could not study in their mother tongue unless they left their community can now enrol in these courses at any one of the eight sites throughout the province and Prince Edward Island.

1392. In 1992, the Women's Directorate produced and distributed Expanding Choices: Math and Science Programs for Girls and Women, a national inventory of science and math programmes for girls and young women.

1393. Through the Department of Community Services, many initiatives are in place to increase the independence of family-benefits recipients. The Transition to Employment Program, an initiative to help job-ready parents on family benefits find jobs, opened an office in July 1993 in Halifax. The office provides job-search counselling and assistance, such as résumé writing and employment leads. A $1.9 million employment package announced in August 1993 will provide 300 jobs to job-ready social-assistance recipients.

1394. The Department of Community Services provides $200/month to offset the additional costs to single parents while on vocational training. Course tuition in special circumstances, approved transportation costs, approved child care expenses, special needs and/or a job-search allowance may be covered. Recipients in transition to full-time employment are entitled to have 100 per cent of the gross wages earned during the first four weeks of employment exempted for family-benefits purposes. The first four weeks of vocational training allowance earned are also exempted.

Article 7. Right to just and favourable conditions of work

Fair wages and equal remuneration for work of equal value

1395. The Pay Equity Act, R.S.N.S. 1989, c.337, became law in 1988. All groups covered by the Act, except municipalities, have completed the pay equity process. Although civil service wage restraints are in place, the pay equity process has continued to be implemented as planned.

1396. The Labour Standards Code provides protection from unfair employer action. Employers must provide notice of termination of employment to an employee who has been employed for more than three months and must do so in writing.

1397. Section 57 of the Labour Standards Code provides that a female employee shall not be paid at a rate of wages less than the rate of wages paid to a male employee, or a male employee at a rate of wages less than the rate of wages paid to a female employee, for substantially the same work performed in the same establishment, the performance of which requires substantially equal skill, effort and responsibility, and which is performed under similar working conditions.

1398. The Department of Community Services, in March 1990, provided a salary-enhancement grant to day-care workers employed in non-profit day-care centres. This grant, which improves the salary for day-care workers by up to $5,000, was phased in over a two-year period.

Safe and healthy working conditions

1399. The Occupational Health and Safety Act, R.S.N.S. 1989, c.320, provides extended protection to employees at the workplace, granting them the right to refuse to work if they have reasonable grounds to believe that the work may endanger their health or safety, or the safety of any other employee.

1400. The provincial Government's sexual harassment policy and procedures came into effect in January 1994. The purpose of the policy is to create a working environment free of sexual harassment. An education programme has been developed, and all civil servants have received training. There are 15 advisers and 12 investigators who administer the policy.

Equal opportunity for everyone

1401. Under the Nova Scotia Human Rights Act, the Commission may approve programmes of government, private organizations or persons that aim to improve the conditions of disadvantaged individuals or of a class of individuals who are disadvantaged because of a characteristic protected under the Act. The Human Rights Commission has over 30 such programmes in the province, and has also approved numerous activities such as scholarships and other short-term activities that benefit disadvantaged individuals.

1402. The Human Rights Act also permits exceptions in situations that may be reasonable and justifiable, such as the case of a bona fide occupational requirement. It allows employers to set requirements or preferences for employees which are normally prohibited under the Act but which conform to proven, job-related safety standards.

1403. The provincial Government and the Nova Scotia Government Employees Union are working to improve affirmative action in the civil service. Building on a programme that has been in place since 1978, the new policy focuses on the identification and removal of barriers to hiring and advancement, and on organizational change. The workforce analysis survey, undertaken in 1993, provided a baseline measure of the number of employees from targeted groups currently in the civil service. Departments and government agencies will use these data in formulating goals, timetables and action plans. The Workforce Survey results showed that 52 per cent of the women and 22 per cent of the men employed in the civil service earned less than $30,000 per year while 32 per cent of the men and 8 per cent of the women earned more than $45,000. The Workforce Survey also indicated that there were only 34 persons of Aboriginal origin, 302 persons who were racially visible, and 815 persons with disabilities employed in the civil service, which is comprised of 11,717 persons.

1404. A government policy was adopted in April 1993 to promote the hiring of affirmative action candidates in civil service casual positions to permit them to gain experience and enhance their opportunities for permanent employment.

1405. The Nova Scotia Women's Directorate was established in 1989 to act as a resource to government on women's issues, to ensure they are taken into account in policy and programme formulation.

1406. The Nova Scotia Interdepartmental Committee on Women's Issues (CWI) was established in 1976 and is now an integral component of the Women's Directorate. The Committee's work is focused on improving the condition of women in the civil service. The Committee also provides advice to government on matters including sexual harassment, workplace safety, affirmative action, pay equity and bridging programmes. Representatives from government departments are appointed to the CWI by their deputy minister.

Rest, leisure, limitations of working hours and holidays with pay

1407. The Labour Standards Code provides for holidays with pay for New Year's Day, Good Friday, Canada Day, Labour Day, Christmas Day and one other day as a civic holiday. The Code also provides for a minimum of two weeks' paid vacation during a 12-month period. Civil servants in the province are entitled to a minimum of three weeks' vacation, which can increase to six weeks based on the number of years of service.

Article 8. Trade union rights

1408. Nova Scotia's principal legislation concerning article 8 remains unchanged since its last submission.

1409. The Human Rights Act ensures that no trade union shall exclude any person from membership or expel or suspend any member, or discriminate against any person, because of enumerated grounds.

Article 9. Right to social security

1410. During the fiscal year 1993/94, approximately 31,000 persons received social-assistance benefits every month for a cost to the province of $122 million.

1411. In 1993/94, the Government budgeted $540,350,000 to provide social services to Nova Scotians. Of this amount, approximately $368 million were directed to income assistance. As of March 1994, there were approximately 52,000 people receiving income assistance in Nova Scotia.

1412. Social assistance is a programme of financial support for citizens of Nova Scotia who lack the means to provide for their basic needs and the needs of their families, and who have no other source of financial help. A monthly benefit is given to individuals or families who meet the eligibility criteria for the basic expenses related to food, clothing, shelter, transportation, fuel and utilities, and household and personal effects.

1413. All applicants for social assistance except foster parents must qualify on the basis of need - that is, they must have insufficient income for their basic needs, based on figures set by the Nova Scotia Department of Community Services and municipal Governments. Social assistance is assistance of last resort, and applicants must demonstrate that they are not eligible for any other form of support such as from a spouse, family members, unemployment insurance, etc.

1414. The province of Nova Scotia presently operates under a two-tier social-assistance system. The provincially operated Family Benefits Program provides assistance to persons or families in need, where the cause of the need has become or is likely to be of a prolonged nature. Approximately 51 per cent of the recipients of this assistance are adults with disabilities which will prevent them from being employed for at least one year. Single parents, 97.5 per cent of whom are female, make up 42 per cent of the recipients. Parents with disabilities make up 6 per cent and 1 per cent are foster parents. Less than 1 per cent are senior citizens who are not adequately provided for by federal benefits for seniors. In March 1994, there were 32,455 recipients of family benefits, supporting approximately 3,000 spouses and 27,700 children.

1415. Provincial family benefits increased in January 1994 by 1 per cent and on 1 April, 1994 by 1 per cent.

1416. People who do not fall into one of the categories for family benefits must apply for municipal social assistance, which assists people whose need is of a shorter term. The rates established for municipal assistance are lower than family benefits and vary from one municipality to another. In March 1994, there were 19,560 recipients of municipal social assistance.

1417. The province is committed to moving towards a one-tier system of social assistance, although the timing of this remains uncertain.

1418. Youth from 16 to 18 years old qualify for municipal social assistance in special circumstances. Single parents qualify for family benefits at age 16; people with disabilities at age 18.

1419. Family benefits provides a supplemental nutritional allowance to pregnant and nursing mothers. Municipal social assistance provides extra funds for special diets due to medical conditions.

1420. The Family Benefits Program pays benefits at approximately 60 per cent of the Low-income Cutoff poverty lines established by Statistics Canada. This amount is arrived at because 58.5 per cent of the poverty line is for the basic necessities, the other 41.5 per cent being for recreational and cultural activities. Social assistance programmes are intended to provide for the basic necessities only. The municipal assistance rates vary depending on the financial well-being of the towns, although the majority provide benefits at approximately the 60 per cent rate. The assistance programmes operated by the municipalities are mostly of a temporary nature. If a person is going to require long-term assistance, then a request for provincial assistance is made.

1421. In March 1994, the Pharmacare programme, which had covered prescription drug costs for family benefits recipients with disabilities and for all seniors, was extended to include single-parent recipients on a co-pay basis.

1422. The provincial Department of Community Services and municipal social services departments also provide a variety of social services, including vocational rehabilitation and counselling, child welfare services, special programmes for the disabled, etc. The province cost-shares with municipal social services departments the expenses of people with disabilities and seniors who need to live in various special-care facilities. The province is committed to a policy of deinstitutionalization and the development of community supports for people with disabilities.

1423. The Family Maintenance Act, R.S.N.S. 1989, c.160, provides for the payment of maintenance for dependent children and spouses, where there is reasonable need for the assistance.

1424. The Family Maintenance Income Support Program, 1991, allows single parents on family benefits who receive an irregular maintenance payment to assign the payment to the province and receive the full amount of their benefits.

1425. The Family Orders Information Release Act, R.S.N.S. 1989, c.161, provides for the enforcement of court orders respecting children and support obligations by providing for the release of information that may assist in locating children, defaulting spouses or other persons.

1426. The Maintenance Orders Enforcement Act, R.S.N.S. 1989, c.268, provides for the reciprocal enforcement of maintenance where the respondent is not complying with an order of the court to provide maintenance for a child.

1427. Under the Nova Scotia Labour Standards Code, R.S.N.S. 1989, c.246, women are entitled to 34 weeks' combined maternity and parental leave. New parental-leave provisions also allow parents to take up to 17 weeks of unpaid leave of absence to care for their newborn or newly adopted child. If eligible, women may receive unemployment insurance benefits while on leave.

1428. As of December 1989, female provincial civil servants eligible to receive maternity benefits under the federal Unemployment Insurance Act are paid a supplementary allowance through the Supplementary Unemployment Benefits (SUB) Plan while on maternity leave.

1429. The Nova Scotia Health Plan is the primary health insurer for eligible Nova Scotian residents, and provides for entitled medical and hospital services, regardless of age, state of health or financial conditions.

1430. Sickness benefits are normally provided for in collective agreements or company policies for most workers. The province's civil servants have access to a general illness bank, a family-related illness bank, a short-term disability bank, as well as a long-term disability bank.

1431. No-fault insurance for workplace injury is provided through the Workers' Compensation Board, which covers most employees in the province. Workers'

Compensation provides salary compensation, rehabilitation in the form of occupational therapy, retraining or upgrading, and compensation for medical expenses. Workers' Compensation also provides survivor benefits to widows and widowers of workers killed in workplace accidents.

1432. The Workers' Compensation Board provides protection to employees in the province for salary compensation, rehabilitation in the form of occupational therapy, retraining or upgrading, as well as compensation for medical expenses.

Article 10. Protection of the family, mothers and children

Protection of the family

1433. The Nova Scotia Human Rights Act defines marital status as the status of being single, engaged to be married, married, separated, divorced, widowed, or a man or a woman living in the same household with a member of the opposite sex as if he/she were married. The Nova Scotia Human Rights Commission does, however, accept complaints of discrimination on the basis of sexual orientation from same-sex couples.

1434. The Solemnization of Marriage Act, R.S.N.S. 1989, c.436, now recognizes 19 as the marriageable age. A person under 19 but over the age of 16 may marry with parental consent. Marriages under the age of 16 shall not be solemnized without special application to a judge of the Family Court who must make a determination that it is expedient and in the interests of the parties to authorize solemnization of the marriage. The law applies equally to men and women.

1435. The Round Table on Day Care was created in April 1990. The 13-member Round Table, composed of members of the day-care community, through its committees on training and certification, legislation, salaries, and subsidized spaces and family care, submitted a report in April 1991.

1436. As a result of revised criteria, more families, including low-income as well as middle-income families, now qualify for subsidized daycare.

1437. The province, in the fiscal year 1992/93, provided an additional $1 million to further enhance the day-care programme. One hundred new subsidized spaces were created, a special subsidy rate for infants was implemented and infant care standards were created. Additional training grants were provided to staff who wished to upgrade their education in early childhood education. The Round Table has been re-established for the purposes of overseeing the implementation of the recommendations, and had been expanded to include parent and staff representation.

1438. The Children and Family Services Act, 1990, c.5, which came into force in September 1991, replaced the existing Children's Services Act. The new legislation provides clearer rules and states unambiguously that, wherever possible, family units are to remain together, assisted by a wide range of supports. It provides in several of its sections a requirement that the best interest of the child be considered in decisions affecting children. Some of the following circumstances are listed in the Act as relevant to the best interest of the child: the importance for the child's development of a positive relationship with a parent and of a secure place as a member of a family; the importance of continuity in the child's care and the possible effect on the child of the disruption of that continuity; the bonding that exists between the child and the child's parent; the child's physical, mental and emotional level of development; the child's cultural, racial, religious and linguistic background; the child's views and wishes, if they can reasonably be ascertained; and the risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent.

1439. In Nova Scotia, there were 347 adoptions during the fiscal year 1990/91. Of the 241 private adoptions, the child was placed with relatives in 210 cases. Other children were placed by Children's Aid Societies, Children and Family Services and other child-caring institutions. Linguistic, cultural and racial heritage, as well as religious faith, must be given due regard in determining the best interest of the child placed under temporary or permanent care and custody or adoption. Most agencies placing children for adoption will consider the child's background and the wishes of the birth parent.

Protection for mothers

1440. Both the Human Rights Act and the Labour Standards Code provide protection to women in the area of employment who take temporary leave from work for the birth of a child.

1441. As of December 1989, female provincial civil servants eligible to receive maternity benefits under the federal Unemployment Insurance Act are paid an allowance through the Supplementary Unemployment Benefits (SUB) Plan while on maternity leave.

Special measures of protection and assistance for children

1442. The Youth Secretariat Act, R.S.N.S. 1989, c.511, establishes the Secretariat as a focal point for the development of effective responses by Nova Scotia to the needs and aspirations of the province's youth. The Youth Secretariat, which defines "youth" as between 15 and 24 years of age, has an important mandate to include young people in making decisions that affect their population.

1443. The Labour Standards Code stipulates that children under the age of 14 may not work for more than eight hours in any day or for more than three hours on any school day, unless the child has an employment certificate under the Education Act. Children under 14 cannot work after 10 p.m. or prior to 6 a.m., nor can they be employed to do work that is or is likely to be unwholesome or harmful to their health or development or interfere with their school attendance. Children under 16 cannot be employed in an industrial undertaking, the forest industry, garages and automobile service stations, hotels and restaurants, theatres, dance halls, shooting galleries, bowling alleys, billiard and pool rooms, or in the operation of elevators. The total hours of combined school attendance and employment cannot exceed eight hours in any one day.

1444. The Labour Standards Code allows parents to employ their children, whether they are under the age of 16 or not, in the family business. The responsibility of ensuring that children do not work in contravention of the Code lies with the parents, who are subject to a fine if they knew the child was employed.

1445. Sections 39 and 42 of the Children and Family Services Act outline that where it is necessary to remove the child from the care of the parent, consideration should be given as to whether it is possible to place the child with a relative, neighbour or other member of the child's community or extended family. Other considerations include the desirability of keeping brothers and sisters in the same family unit, the need to maintain contact with the child's relatives and friends, and the continuity of the child's education.

1446. In situations where a child of Aboriginal origin is the subject of a proceeding with respect to protective intervention, the Children and Family Services Act allows for the Mi'kmaq Family and Children's Services of Nova Scotia, at any stage of the proceeding, to be substituted as a party for the agency that commenced the hearing. The Mi'kmaq Family and Children's Services has been established with full legislative authority.

Article 11. Right to an adequate standard of living

Adequate food

1447. Many of the municipalities in the province operate food banks, and there are a few organizations that provide meals to the homeless and the poor. The majority of the school boards administer some form of breakfast programme for the students who do not have adequate meals at home.

Adequate clothing

1448. Benefit payments made to residents of Nova Scotia who receive financial assistance from any level of government include a clothing allowance. In addition, there are many volunteer agencies which distribute clothing to needy families, as well as numerous clothing outlets which sell good used clothing at very reasonable prices.

Right to housing

1449. The Nova Scotia Human Rights Act prohibits discrimination against pregnant women and families in the area of housing. The Act has provided protection to persons in receipt of social assistance or other government resources since 1982. The amendments of 1991 brought in protection against discrimination in housing on the basis of family status, marital status and age. A very small percentage of complaints lodged with the Nova Scotia Human Rights Commission are lodged in the area of housing.

1450. Although the Nova Scotia Human Rights Act does not specifically prohibit discrimination because of low income, the vacancy rate is such that landlords refuse low-income tenants to a lesser extent than in the 1980s. Complaints lodged under the Human Rights Act from individuals in receipt of social assistance have decreased over the years, while complaints by parents who have difficulty finding lodging because they have small children have seen a slight increase. There is also in Nova Scotia a programme of public housing, which provides housing to the working poor. Only 5 per cent of public housing units are occupied by persons in receipt of assistance.

1451. Under the Residential Tenancies Act, R.S.N.S., 1989, c.401, a tenant may not be evicted without reasonable grounds. Tenants, however, can be given a notice to quit as provided for under the Act. The notice period varies depending on the lease that is in effect with the landlord and the tenant. In addition, the Nova Scotia Human Rights Act prohibits an eviction or a notice to quit if the reason is discriminatory.

1452. Tenants residing in public housing units or rooming houses have the same rights as mentioned above.

1453. The Rent Review Board operating under the Department of Consumer Affairs continues to regulate the rent increases for the units under their jurisdiction. Single family dwellings providing one rental unit are exempt, as are new apartment buildings for the first two years of operation. The Rent Review Board has approved a 0 per cent increase for the 1993 year.

Article 12. Right to physical and mental health

Highest attainable standard of physical and mental health

1454. The Provincial Health Council was established in 1990 under the Nova Scotia Health Act and has been in full operation since January 1992. The Council, comprised of a group of volunteers, advises government on matters affecting the health of Nova Scotians; provides opportunities for Nova Scotians to actively participate in planning their health system; suggests ways to make the health-care system more effective, efficient and affordable; and provides information about the cost and effectiveness of the heath-care system. Nova Scotia's Health Goals, developed after extensive consultations with people from across the province, were formally accepted by government in August 1993. The health goals set an overall direction for health and establish guidelines to help government, communities, organizations and individuals make decisions that support health.

1455. At the request of the Department of Education, a committee was formed to undertake a broad review of the Daily Activity Program in the public schools of Nova Scotia, which had been endorsed by the Minister of Education in 1984. In 1989, the Nova Scotia Royal Commission on Health Care had identified the need for promoting a healthy lifestyle. Some of the findings of the Royal Commission were that the percentage of Nova Scotia children who were overweight was above the national average, and that the health-risk behaviours of children showed that a higher proportion of children under 15 smoke, drink, use drugs and are obese. The recommendation of the committee was that the Daily Physical Activity programme be reintroduced around an active-living concept that encompasses a variety of physical activities incorporated into one's daily routine and habits rather than intense physical activity.

1456. In November 1993, the legislature passed the Tobacco Access Act, which is aimed to prevent access to tobacco products by young people.

1457. The Department of Health provides for free medical care through its Medical Services programme. The Department also operates a dental programme, which provides both preventative and curative treatment without cost to children under the age of 16.

1458. In November 1993, the Minister's Action Committee on Health System Reform (Blueprint Committee) was appointed to develop a framework to guide the overall restructuring of the province's health system.

Reduction of stillbirth and infant mortality rates

1459. A new prenatal health-promotion programme was announced by the Department of Health in April 1993. The programme includes eight modules, which examine different perspectives of child-rearing. Opportunities exist for parents to explore issues of gender socialization.

Improved environmental and industrial hygiene

1460. In October 1993, the Clean Nova Scotia Foundation received funding from Health Canada for a project called REACH (Restoring Environmental and Community Health), which aims to help communities take action on issues relating to health and the environment. One aspect of the project included developing an action plan for achieving the Healthy Environmental Health Goal.

Prevention, treatment and control of disease

1461. In 1985, there were 5 cases of HIV/AIDS reported and 4 deaths. In 1990, the number increased to 72 cases and 45 deaths, while in 1994, there were 183 cases and 119 deaths.

1462. The Planned Parenthood agency now operates the only anonymous testing site in Nova Scotia, which is located in Halifax. The funding for this project is provided by the Nova Scotia Department of Health.

1463. Since the closure of Martin House in 1993, there are no hospices specifically for persons with AIDS. There is an active home-care project run by the Persons with AIDS coalition.

Article 13. Right to education

Development of the human personality and strengthening the respect for human rights and fundamental freedoms

1464. The Nova Scotia Human Rights Commission has produced a video on the work of the Commission and has incorporated in the video examples of what constitutes discrimination. This video, available in both French and English, is available to both students and adults.

1465. The Nova Scotia Human Rights Commission continues to help with the organization and delivery of conferences on human rights both in the school system and the private sector.

1466. An Office of Race Relations and Cross-cultural Understanding was created in 1992 in the Department of Education. The Select Committee on Education mandated by the Government of Nova Scotia in its 1992 report identified a lack of Aboriginal role models and a high drop-out rate among Aboriginals in Nova Scotia. Consultants in multiculturalism, racial relations and Mi'kmaq education work with school boards, multicultural groups and other education partners in developing anti-racist principles and a provincial education race-relations policy. The Mi'kmaq education consultant has been working with the Mi'kmaq community to develop a course on Mi'kmaq history and culture. A pilot course, open to all students, will be available in schools in districts where sufficient numbers of Mi'kmaq children live.

1467. A discussion paper and work plan on race relations is being developed. The anti-racist principles will reinforce the individual's right to an education free from bias, prejudice and intolerance. The race-relations policy will include school programmes and practices promoting self-esteem and pride in individual cultures and heritages.

1468. New public school courses have been developed in Family Studies and Industrial Arts Technology and teachers are breaking down barriers to these programmes, which were traditionally viewed as appropriate for one gender only.

1469. The Family Life/Family Studies programme, taught in a co-educational setting, continues to be provided to students between the ages of 12 and 15. It has five components: Self, Feeling, Relationships, Career Planning, and Human Growth and Development. It includes specific sections on stereotyping, prejudice and discrimination, sexual attitudes, exploitation, career and lifestyle exploration, and family conflict.

1470. A new course, "Career and Life Management", is currently being piloted in schools. The course will be compulsory for all high school students between the ages of 16 and 18 in 1996.

1471. The Maritime Provinces Education Foundation (MPEF) has completed a project in human rights for elementary teachers and classes. It includes an annotated bibliography, teacher's manual, video and in-service package for teachers.

Right to education

1472. Regulations made pursuant to section 3 of the Education Act, R.S.N.S. 1989, c.136, provide for compulsory education for all children 16 years of age and under. The Education Act also provides for free public education up to the age of 21.

1473. The Atlantic Provinces Special Education Authority (APSEA) is an interprovincial cooperative agency which provides educational services, programmes and opportunities for persons under the age of 21 who have low-incidence handicaps, visual or hearing impairments, or severe learning disabilities. Programmes and services offered by APSEA are designed to support school districts in their service to children with disabilities. The agency continues to extend its service delivery to include a variety of educational settings, and support for pupils who can be successfully integrated or partially integrated into the public school system. Programmes and services for students with hearing impairments, visual impairments or a learning disability are offered through three centres of specialization.

1474. In May 1992, the Education Act was amended so that eligible parents are assured of their rights under section 23 of the Canadian Charter of Rights and Freedoms to educate their children in French. In Nova Scotia, Acadian and Francophone children have the right to receive French-language instruction. There are now 17 schools in the province which offer French-language instruction. In addition, the Act provides for a conseil d'école to be responsible for the operation and management of Francophone educational facilities. There is one conseil d'école operating in Nova Scotia.

1475. School Advisory Councils, which will provide for parental involvement, can be created in addition to school boards and Home and School Associations.

1476. In January 1993, the Department of Education also released its "Report of the Education Funding Review Work Group". Its mandate was to make recommendations regarding funding formulas for district school boards. One of the principles accepted by the Department as a guide to funding review was the principle of equity, both horizontal and vertical. Equity in horizontal access means that the quality and availability of core programming in each community should be equivalent. Equity of vertical access means that children with different needs should be afforded different approaches to programming and service delivery.

1477. The Nova Scotia Teacher's Union (NSTU) has developed a project that will build on the findings of the Canadian Teacher's Federation's report "A Cappella". That report looked at how over 1,000 teenage girls in Canada view themselves and the world they live in. The Women in Education Committee of the NSTU hopes to organize a conference in 1994 to encourage dialogue between female and male students, teachers and administrators on issues such as the impact of schools on the development of self-esteem in women, how schools can bolster adolescents' and women's self-esteem, confronting sexism and gender inequities, and sample programmes that enhance self-esteem.

1478. Women account for more of the full-time enrolment at universities, colleges and institutes than men. Women continue to occupy many more part-time student spaces at university.

Article 15. Right to take part in cultural life and enjoy the benefits of scientific progress and the protection of interest to authors

1479. Nova Scotia's principal legislation concerning article 15 remains unchanged since its last submission.

I. Prince Edward Island

Article 6: Right to work

1480. The P.E.I. Human Rights Act was amended in 1989 to define the protection provided against discrimination based on political belief. The previous wording had been found incapable of interpretation by the Supreme Court of P.E.I. and this amendment resolves that problem.

1481. The provincial Department of Health and Social Services serves in areas of job creation and placement as well as employment enhancement which provides basic education upgrading, job-readiness training and salary support for short-term jobs with public agencies for recipients of welfare assistance. These programmes are designed to assist persons on welfare assistance to develop the skills and experience to re-enter the work force and regain their ability to exercise their right to work.

1482. The P.E.I. Human Rights Act prohibits discrimination in employment and requires equal pay for equal work.

Article 7: Right to just and favourable conditions of work

1483. A new Employment Standards Act was proclaimed in 1993 which substantially improved conditions of employment for P.E.I. workers. Provisions for reporting pay, maternity and parental leave, and bereavement leave were strengthened or provided for the first time. This statute introduced the requirement that all employers in Prince Edward Island have a sexual harassment policy and established standards for such a policy. This supports the legislative provisions of the P.E.I. Human Rights Act which prohibits discrimination based on sex in employment.

1484. The Labour Act was amended substantially in 1995 to reduce conflicts in interpretations and wording.

1485. Included in the development and adoption of the Employment Standards Act was the deletion of the provision of a "two-tiered" minimum wage. The previous minimum wage for young people has been removed, leaving one minimum wage to apply to all workers no matter what age they are.

Article 10: Protection of the family, mothers and children

1486. Prince Edward Island enacted a new Adoption Act in 1993 which places much stricter controls on private placement and adoption. For example, the Act provides for licensing of agents, professional counselling and home study, and screening of out-of-province placements.

1487. The provincial Family and Child Services Act was amended in 1991, broadening rules requiring the reporting of child abuse and the apprehension of a child in need of protection.

Article 11: Right to an adequate standard of living

1488. Welfare Assistance payments are provided to meet basic requirements of persons in need. The rates of these payments have steadily increased or at least been maintained during the period of this report, despite reductions and freezes in many government programmes. During this time, there has also been an increase in the number of recipients because of recessionary influences.

1489. A Comprehensive Home Repair Program was introduced by regulation in 1992 to provide for the payment of interest on loans for home repair by persons with modest incomes. This programme assists people in the maintenance of adequate housing.

1490. In 1990 an Emergency Home Repair Program Regulation was brought in. This regulation extended a programme which provided cost-sharing by the province for urgently needed home repairs to a variety of disadvantaged groups. Previously for senior citizens only, this programme now applies to families with disabled persons and those receiving welfare assistance.

1491. In 1991 and 1992 Public Housing programmes were integrated within the Health and Social Services Department. The intent is to ensure that these programmes are integrated with other programmes aimed at improving basic standards of living.

1492. Despite cutbacks in federal government funding in the area of social housing, the commitment to this type of programme has been maintained through the renewal of cost-sharing partnership in the federal-provincial Residential Rehabilitation Assistance Program.

1493. In 1992, in recognition of the serious issue of family violence, the province developed a priority placement policy for social housing for individuals who are victims of family violence.

Article 12: Right to physical and mental health

1494. New statutes and/or regulations have been enacted during the reporting period to license and set standards in a variety of health care and social services professions. These include occupational therapy, dietetics, optometry, pharmacy, medicine, social work, psychology and physiotherapy. The intent was to improve the quality of practice in these fields and to further protect the right to physical and mental health of the people of the province.

1495. A new Mental Health Act came into effect in 1995 which greatly enhanced guarantees of patients' rights over the 25-year-old previous act. Areas of improvement included consent to treatment, communication rights, confidentiality, etc. There was also some provision for community treatment instead of institutional care.

1496. In 1993, a new Human Tissues Donation Act was proclaimed, replacing an Act passed in 1974. Many of the provisions were intended to encourage the donation of tissues and organs so that others might live. Provisions include a lower age of consent, a broader range of persons who can give consent for a deceased person, and a provision requiring doctors to consider and record the decision to propose donation to the family of any person who dies in hospital.

1497. In 1991, a new Act, entitled Tobacco Sales to Minors Act, prohibited the sale of tobacco products to persons under 18 years of age.

Article 13: Right to an education

1498. A new School Act, proclaimed in 1993 and amended in 1994, continues the right for the province's children to have access to an education.

1499. The School Act provides for French-language education for children in the province whose mother tongue is French, in accordance with section 23 of the Constitution Act 1982. This service is available where the number of children warrant minority language education. The number of students required is 15 over two consecutive grade levels. Where this number of qualified students are in attendance French-language education will be provided.

1500. Section 68 of the School Act defines the right to free school privileges. This maintains the legislative protection of this right which historically has been well entrenched in this jurisdiction.

J. Newfoundland

1501. This report will update the information contained in Canada's first and second reports under the Covenant.

Article 6: Right to work

1502. The Human Rights Code replaces The Newfoundland Human Rights Code, 1988 and prevents, among other things, discrimination in employment based on race, religion, religious creed, political opinion, colour, ethnic, national or social origin, sex, marital status, physical or mental disability or age, if the person concerned has reached the age of 19 years or has not reached the age of 65 years. It further prohibits advertising for employment that expresses, directly or indirectly, such discrimination. The Code requires the same pay for male and female employees for the same or similar work, and prohibits harassment in the workplace, including sexual harassment.

1503. In addition to The Human Rights Code, the government of Newfoundland has a "Personal Harassment Policy" in place for public servants. The policy sets out another administration process which a complainant may use for investigative or adjudicative responses to allegations of harassment. The policy has a disciplinary mechanism, training sessions available for both investigators and for the general public service, as well as information-dissemination mechanisms.

1504. The Economic Recovery Commission Act, R.S.N. 1989, c.35, establishes a commission to identify and implement programmes and other measures that will contribute to the continuing and stable reduction in the chronically high unemployment rate in the province and will identify, develop and promote employment opportunities for the people of the province by stimulating and fostering enterprise and economic development in all regions of the province.

1505. The Labour Standards Act, R.S.N. 1990, c.L-2, was amended in 1992 to increase minimum-wage benefits for employees, and to provide pregnancy leave, adoption leave, parental leave, bereavement leave and sick leave benefits to those not specifically entitled to the same under their contract of employment.

1506. The general availability of employment opportunities provided by both the private and public sectors has been augmented with various programmes sponsored by the federal and/or provincial governments to either create employment directly or to provide incentives to private enterprise to create employment. Several of these programmes are targeted at select disadvantaged groups in the economy. Wage subsidies are offered to employers who hire persons from these groups. Some of the programmes are as follows: (i) the Student Employment Program designed to provide summer employment opportunities to students who will be attending a post-secondary educational institution in the fall semester; (ii) the Graduate Employment Program to assist recent graduates of post-secondary institutions to obtain employment in their field of study; (iii) the Job Bridges Program to assist women in obtaining employment in occupations traditionally dominated by men; (iv) the Employment Generation Program, a wage subsidy, in all sectors of the economy, to generate long-term jobs; (v) the Seasonal Employment Generation Program to assist in the (seasonal) tourism and service sectors to create new and additional full-time seasonal jobs.

1507. The two-phased joint federal-provincial programme for post-secondary students implemented during the 1994/95 fiscal year under the Strategic Initiatives Proposal is comprised of: (i) a paid-work component which provides a wage subsidy of $2 per hour to hire students who will be attending a post-secondary education institution during the fall semester. Additionally, a tuition credit (certificate) of $50 per week for each week worked under this programme is provided to the student; (ii) a community-service component which enables post-secondary students to volunteer their services to any non-profit community-based group or organization. In addition to a $50 per week stipend for out-of-pocket expenses, students who participate in community-service placements are eligible for a tuition credit of $120 redeemable at any recognized post-secondary education institution in Canada.

1508. The Department of Social Services has implemented an Employment Opportunities Program, designed to help social-assistance recipients to make the transition from dependency towards self-sufficiency. The Program responds to the employment and training needs of recipients by providing career counselling, upgrading academic skills, developing training programmes, and placing participants in training and employment.

1509. The principal change since 1 January 1986, has been a move away from short-term job creation projects to a focus on human resource development with respect to social services clients. Human resource development means a greater emphasis on assessment, training, life skills, academic education and skill development, including a client-centred approach which seeks to address the needs of the client with a view to empowering the client.

1510. This greater emphasis on Human Resource Development began in the fiscal year 1986/87 with the signing of a federal-provincial agreement to further enhance the training and work placement of social-assistance recipients. The agreement required that appropriate training components be identified as a part of all client placements.

1511. The federal-provincial agreement also allowed for the hiring of social-assistance recipients like single employable recipients and childless employable couples who were not normally considered for placements under the guidelines of the short-term job-creation projects of the Department. The agreement also actively sought the development of projects and training directed towards expected or actual job vacancies in the private sector.

1512. In the fiscal year 1991/92, the Department of Social Services became a partner in programme activities sponsored by other agencies, including federal and other provincial government departments. Examples included participation on the Canada-Newfoundland Youth Strategy Agreement and the Canada-Newfoundland Literacy Agreement. Also, the Department placed more importance on assisting clients to achieve academic upgrading, skills-development training or other support services to help them develop attachment to the labour force.

1513. The Work Activity Centre in St. John's, referred to in the second report of Canada on Articles 6-9 (paragraph 228), ceased operation as of 31 March 1987. The principal reason for the closure of the Centre was the low number of applications or referrals from clients as those eligible preferred to apply for participation in the Community Development Program, whose projects provided insurable employment.

1514. Other initiatives in which the Department of Social Services is involved are as follows: (i) Strategic Initiatives, a federal-provincial cost-shared programme to support individuals in training and employment, and to test innovative approaches to delivery of projects under the federal Government's Social Security Reform (Agenda: Jobs and Growth, Improving Social Security in Canada, 1994); (ii) the federal-provincial Client Services Centre, a co-location project with Gander selected as the site, is based on a "one-stop shopping model" for employment, training and financial services incorporating the services of Human Resources Development Canada and the provincial departments of Social Services, Education, Employment and Labour Relations.

1515. The strategic initiatives and direction for the future will seek to improve on past initiatives. With respect to the Community Development Program and the Employment Enhancement Program, the following are components of future initiatives:

(a) For the Community Development Program: private sector programmes to provide subsidized employment with private-sector employers, on-the-job work experience and on-the-job training; community development projects to support the province's Economic Development Plan to bolster community support services for municipalities or local improvement areas, to assist voluntary/non-profit organizations, and to provide short-term funding to assist individuals to execute their career plan; community services to provide a refurbishment programme with respect to the repair/renovation of group homes, home support services/home care services (i.e. to examine training opportunities to assist individuals for a career in the home care field, and to support individuals interested in setting up their own home care business or cooperative), and support staff for community organizations; joint ventures with programmes in other departments/agencies, e.g. the linkages component of the Youth Strategy Program;

(b) For the Employment Enhancement Program (federal-provincial Social-Assistance Recipient Agreement): assessment and counselling services, academic upgrading and skills training programmes.

1516. With respect to the effects of past initiatives, a number of evaluations have been conducted, and the following are a number of findings generated from these evaluations.

1517. In a highly seasonal economy, the findings of an evaluation are influenced by the month or season chosen when doing the survey.

1518. The level of education was a variable that correlated with measures of success.

1519. Length of participation in project employment is a leading factor contributing to future employability.

1520. There was a positive relationship between the participant's level of job readiness and the level of success.

Article 7: Right to just and favourable conditions of work

1521. The Labour Standards Act, R.S.N. 1990, c.L-2, provides uniform minimum standards of conditions of employment in the province. The general minimum wage required to be paid to every employee 16 years of age or over is $4.75 per hour. The minimum rate for overtime wages is set at $7.12 per hour. The Act requires payment of wages not less frequently than half-monthly, stipulates the place, time and currency of payment, and requires the particulars of the payment to be clearly set out for the employee. Further, the Act provides that provisions in a contract stipulating how an employee is to spend wages payable are void.

1522. Since 1988, there has been a Pay Equity Agreement affecting all persons employed within the public sector. The Agreement is designed to come into effect gradually. In 1991, the government concluded pay equity studies for Newfoundland and Labrador Hydro and the Health Care Sector I. Initial adjustment payments were based on 1 per cent of the total annual payroll. As of March 1995, these adjustments increased to 2 per cent and will remain at that level, until pay equity is achieved. Pay equity studies are currently under way for female-dominated groups in health care and general government.

1523. Newfoundland has completed two task force reports with respect to equal employment opportunity in the public sector. In 1985, there was a task force report, which resulted in an accelerated career-development management programme for women and with respect to persons with disabilities. In 1988, an Opening Doors programme was created aimed at increasing employment opportunities in the public sector for persons with disabilities.

1524. There are a variety of programs in place to deal with displaced workers. The Program for Older Worker Adjustment, 1989/90, provides financial assistance to long-service older workers, between the ages of 55 and 64 at the time of their layoff who, following a major permanent layoff, have no prospect for re-employment. The Plant Workers Adjustment Program, 1991/92, provides income-replacement assistance to older fish plant workers and trawler men who have been permanently laid off from a designated fish plant and whose unemployment insurance benefits have expired. The Northern Cod Early Retirement Program, February 1993, assists people, between the ages of 55 and 64 who retire permanently from the fishery, if their livelihood has been in the fishery, and who have been adversely affected by the Northern Cod Moratorium to retire permanently from the fishery.

1525. The percentage of low income among families in Newfoundland decreased from 25.2 per cent in 1983 to 15.8 per cent in 1993. The percentage of low income among unattached individuals decreased from 55.1 per cent in 1983 to 47.9 per cent in 1993. The Poverty Profiles published by the National Council of Welfare indicates that the poverty rate in Newfoundland among poor children of single-parent mothers remained the same between 1986 and 1992 while the poverty rate for poor children in all family types decreased from 26.8 per cent in 1986 to 25.4 per cent in 1992.

1526. In August 1989, the Workplace Hazardous Materials Information System (WHIMS) regulations were proclaimed. These regulations ensure that each worker at every workplace is provided with all the pertinent safety and health information regarding hazardous materials being used, handled and stored at his/her place of work.

1527. In 1991, the Asbestos Abatement Code of Practice was proclaimed. This Code was established to ensure that every project owner, contractor, employer and employee is aware of the safe handling procedures to minimize exposure to airborne asbestos material.

1528. In 1993, a legislative amendment provided for an increase in fines for violations of the Occupational Health and Safety Act. The maximum fine increased from $5,000 to $50,000 for persons found guilty of an offence, with an increase from $1,000 to $5,000 per day for each day that the offence continues.

1529. Government is currently reviewing its occupational health and safety legislation with a view to consolidating existing legislation and developing a new legislative framework. In light of current national and international economic circumstances, government and industry have begun to examine existing practices to determine whether there are better, more cost-effective ways to develop regulations. The resulting Occupational Safety and Health harmonizing project is a cooperative intergovernmental and tripartite initiative for the purpose of greater harmonization of OSH standards and procedures across Canadian jurisdictions. This long-term initiative will involve the harmonizing of occupational health and safety programmes and regulations, with the Atlantic provinces and nationally, and will probably result in major legislative changes in late 1996 or early 1997.

Article 8: Trade union rights

1530. The basic right of everyone to form or join trade unions of their choice is still protected under section 5 of the Labour Relations Act. However, there has been a change with respect to the process for certification to act as a bargaining agent. The Act now requires that, where an application for certification is supported by not less than 40 per cent of the employees in a specific unit, the Labour Relations Board shall take a vote of the employees in that unit to determine if they wish the applicant to be their bargaining agent. Where a vote is necessary, the Act now requires that it be taken no more than five government working days after receipt of the application for certification. Section 51 of the Labour Relations Act, which deals with revocation votes, was amended to have the procedure for revocation votes follow the same process as the application for certification. All ballots cast in a representation vote will be held for counting, until the Labour Relations Board has determined the appropriate bargaining unit and considered any other issues that may affect the vote.

1531. Section 10 of the Labour Relations Act regarding the right to strike was amended in 1993 to state that a trade union shall not declare a strike or authorize a strike, until after a vote has been taken by secret ballot of the employees in a unit, and a majority of employees have voted in favour of a strike. This strike vote is in addition to other conditions that must precede a strike. These conditions have been noted in previous reports, and they remain unchanged.

Article 9: Right to social security

1532. The social-assistance rates for qualified recipients has increased since 1986. From 1986/90 there was a yearly increase of 4 per cent; in 1991, there was no rate increase and in 1992 there was a 2.2 per cent increase.

1533. Regulations relating to eligibility of recipients have been amended so that income of applicants, which was previously assessed 90 days prior to the date of application, is now assessed 30 days prior to the date of application.

1534. Additional to any rate increases, a number of programmes providing additional benefits for recipients have been introduced, as mentioned below:

(a) Rehabilitation Incentive Allowance, which is a $175 per month exemption on training allowances for disabled persons undergoing workshop training;

(b) Board and Lodging benefit of up to $600 per month for adults with special needs;

(c) Housekeeper Allowances for adults with special needs, whether living with relatives or non-relatives;

(d) Comfort Allowance for recipients in hospitals and residential institutions;

(e) Blind Persons Supplement, which has been increased and which now provides such payment to blind children;

(f) Heat Subsidy Program benefit which has been increased for tenants in subsidized housing units;

(g) Increase in the allowable earnings deduction for child care expenses to enable recipients of social assistance to take advantage of employment opportunities;

(h) Single parent supplement for single parents with dependent children under the age of 18 years;

(i) Increased monthly exemptions for child care and transportation on behalf of single parents attending post-secondary institutions; and

(j) Fuel allowance supplement paid to recipients who are homeowners and for those who do not have heat included in their rental costs.

1535. Social assistance is normally available only to applicants who are at least 18 years of age. A person under 18 years would normally be included as a child of an adult applicant until the month of the eighteenth birthday. A client between 16 and 18 years of age may, under extenuating circumstances, apply for social assistance in his/her own right. However, social assistance should only be granted when the parent or guardian is not available to make application on the young adult's behalf. Each individual case is assessed in its own right, and it is also ascertained to what extent the family can or is willing to support the young adult in the present living situation. Children under the age of 16 years applying for social assistance because they cannot remain at home are referred to the Child Welfare programme, where they are provided for in foster homes.

Article 10: Protection of the family, mothers and children

Protection and assistance for the family

1536. The levels of social assistance available to married couples ranges from $541 per month for couples with no children, $580 per month for one child to $863 per month for seven children. For a couple with over seven children, additional assistance of $46 per month per additional child is available.

1537. For childless couples, there are exceptions to the above rates depending on the couples' living arrangements, i.e. whether living with non-relatives or relatives.

1538. The levels of basic social assistance available to single mothers range from $541 per month for one child to $920 per month for nine children. In addition, assistance is available for rent in an amount up to $372 monthly for a single mother occupying a rented apartment or house, or a mortgage payment of up to $772 monthly for a homeowner.

1539. Foster homes are provided with a basic funding rate from the Department of Social Services. As well, there is additional assistance provided in the form of clothing and transportation allowances, child care/day care fees, cultural/social/recreational activities, counselling services, respite care and to foster homes with children with special needs.

1540. The Department of Social Services provides a basic foster care rate for foster parents on a monthly basis to cover the costs associated with the care of the child. For children 0-12 years of age the rate is $452.10 per month, and for children 12 years and older, the rate is $522.30 per month. Foster parents may request additional monies on behalf of a child who has been assessed as having special needs. Financial assistance is also available to foster families for day care/child care fees, cultural/social/recreational activities, Christmas allowance, counselling services for children in care, one-on-one support for children with exceptional needs, and all health care needs.

1541. Funding for respite care is available to foster families with a child with special needs who is in the care and custody of the Director of Child Welfare. The purpose of respite is to reduce stress, provide relief to foster parents and reduce foster-placement breakdown. Financial assistance may also be provided to foster families where emergency placement is required on behalf of a child in the care and custody of the Director of Child Welfare, for transportation in exceptional circumstances and for clothing.

1542. For parents whose children have been placed in a foster home in the care of the Director of Child Welfare, monies are available to assist both parents with the cost of transportation, overnight accommodations and meals, if they are unable to meet these costs and wish to visit with their children.

1543. The Subsidized Adoption Program is intended to provide the stability of an adoption home for children permanently committed to the care of the Director of Child Welfare who, because of their special needs, cannot be placed for adoption without assistance. The subsidy may include financial aid and/or direct services. Under this programme the adoptive parent assumes all financial responsibility for the child except for those costs and/or services specified in the subsidized Adoption Agreement. The Agreement may cover all or a portion of the following: the ongoing cost of special services; the cost of basic maintenance, up to 50 per cent of the amount of the basic foster care rate at the time of the adoption; and one-time funding to facilitate payment for items or equipment required for the initial placement.

1544. Funding is available to income-qualifying families for the purpose of providing services required to reduce the level of risk and maintain children in their own homes.

1545. A Child Welfare Allowance is available to assist relatives who are willing and capable of providing suitable care and protection to a child but are unable to financially provide for the maintenance of the child. In these instances, the biological parents are unable to provide care and protection due to serious problems/conditions in the family unit. The intent of the Child Welfare Allowance is to make it possible for the child, who would otherwise come into the care of the Director of Child Welfare, to reside with relatives. With this arrangement, the child does not become a ward and, consequently, the Director does not become the legal guardian. The Child Welfare Allowance rates are: 0-6 years - $121 per month; 6-12 years - $148 per month; 12+ years - $178 per month.

1546. Assistance is also available to social-assistance recipients for the following requirements, if necessary: board and lodging; municipal taxes; day care services; homemaker/housekeeper services; cost of special diets for medical reasons; diabetic allowances; monthly allowance for blind persons (including children); special allowance for a single mother with a disabled child for maintenance of the child; allowance to aid a disabled single mother in independent living; assistance to enable persons to remain in their own homes in extreme circumstances, where there are additional expenses related to such things as disability, illness or age, heating supplements, water and sewage fees, arrears in light and power bills, building materials, union initiation fees, transportation expenses, school books, special clothing, trade tools, legal aid, special age-related assistance, cost of burial or cremation; and, finally, assistance may be granted for other items of special needs that are necessary for the safety, health and well-being of the family.

Protection for mothers before and after childbirth

1547. For mothers receiving social assistance a mother-baby food allowance of $45 monthly is payable throughout the period of pregnancy and until the first of the month following the child's first birthday.

1548. The Department of Health offers a variety of services to pregnant women, including food supplements, nutrition, counselling, and education on smoking, substance abuse, violence and stress. The Department of Health provides free child-health clinics for children from birth through to 18 months and then again at 4 years of age. The service is accessible and available to all families in the province.

1549. Early prenatal care by physicians is promoted in the province, as are childbirth education classes that are provided free of charge. Public health nurses are in contact with all mothers in the post-natal period. Parents and their new infants are visited at home by the public health nurse, and group sessions are provided for parents having difficulty coping.

1550. The Labour Standards Act was amended in 1992 to provide pregnancy leave for a period of 17 weeks for an employee who has been employed with the same employer for a period of 20 consecutive weeks. Section 43 allows for an adoption leave for a period of 17 weeks following the coming of a child into the care and custody of a parent for the first time. Pursuant to section 43(3), an employee who is the parent of a child is entitled to 12 weeks of leave without pay following the birth of a child or the coming of the child into the care and custody of the parent for the first time. Employees on pregnancy, adoption or parental leave would be entitled to apply for unemployment insurance benefits during their unpaid leave.

1551. The Department of Social Services has recently developed the procedures for the interface between the Support Enforcement Agency and the Social Assistance Division to ensure that all single parents, when applicable, secure maintenance and continue to receive the same.

Protection for children

1552. Legislation has been amended to ensure that children, whether born in or out of wedlock, are treated equally. Section 3 of the Children's Law Act, R.S.N. 1990, c. C-13, states that a child's status is independent of whether he or she is born inside or outside marriage, and that all distinctions between the status of a child born inside or outside marriage are abolished. Maintenance enforcement legislation and legislation dealing with rights of children apply to all children equally.

1553. The Labour Standards Act prohibits the employment of children under the age of 14 years, unless the work is prescribed work within prescribed undertakings. Children under 16 have restrictions placed on many aspects of their employment, including the hours they may work and the environment in which they may work. Before employing a child under 16, the written consent of the parent or guardian is required.

Article 11. Right to an adequate standard of living

Right to an adequate standard of food, clothing and housing

1554. In-school meal programmes are available in 26 schools in the province serving approximately 2,200 children per day. There are individuals and groups who are at various stages of developing or starting in-school meal programmes in 24 other locations throughout the province.

1555. The School Milk Program is available to all schools in the province, provides fresh milk from Newfoundland Dairies and offers a subsidized price for milk purchases and promotional campaigns for both elementary and high school students. The objectives of the School Milk Program are to increase fresh-milk consumption by schoolchildren, to provide schoolchildren with information about fresh milk, to educate children about the benefits of drinking fresh milk and to encourage teachers to explain the importance of milk to schoolchildren.

1556. The Residential Tenancies Act prohibits arbitrary rental increases. Tenants of the Newfoundland and Labrador Housing Corporation enjoy security of tenure. However, if a tenant fails to meet the terms of the lease as outlined in the contractual agreement, that tenant may receive notice to vacate.

1557. Homelessness is not a significant issue in the province with occurrences primarily in the capital city (St. John's), which has two residential centres for homeless citizens. The Wiseman Centre provides accommodations for homeless men and can accommodate up to 42 men at any given time. The average monthly occupancy rate at the Centre in 1993 and 1994 was 78 per cent. The Naomi Centre is a residence for homeless women containing 11 beds.

Eighty-five per cent of its occupants are between 16 and 18 years of age. The average monthly occupancy between October 1994 and September 1995 was 8 residents.

1558. Cases of homelessness are rare outside the city of St. John's. Where they do exist, the individual is accommodated in a hotel, motel or boarding house, until a permanent arrangement is worked out.

Measures to improve methods of production

1559. The Canada-Newfoundland Farm Business Management Agreement is jointly funded by Agriculture Canada and the Department of Natural Resources. A total of $1,080,000 has been committed to this programme over a three-year period beginning in the 1992/93 fiscal year. The objective of the programme is to improve the business-management capabilities of farmers in the province, thereby improving the financial viability of farms in the province and enhancing the competitive position of the industry. The programme is available to farm and industry organizations, groups of farmers, educational agencies, federal and provincial agencies and individuals and business involved in agriculture education and training.

1560. In 1994, the meat inspection regulations were passed under the Meat Inspection Act, R.S.N. 1990, c. M-2. These regulations require the mandatory licensing of all abattoirs, as well as providing a voluntary inspection, whereby inspected carcasses are stamped or tagged. This will increase public health protection while also assisting in the marketing of local meat products.

Article 12. Right to physical and mental health

Protection of health

1561. A three-year pilot project was introduced in 1995 in an attempt to reduce mortality from breast cancer by early detection and intervention.

1562. In the province, 98 per cent of schoolchildren are immunized against diphtheria, pertussis, tetanus and polio, and 99.6 per cent are immunized against measles, mumps and rubella. A hepatitis B immunization programme began in 1995.

1563. The province has developed an HIV/AIDS strategy, including prevention and education, testing and treatment, and care and home support. As well, a series of culturally appropriate materials related to HIV prevention has been initiated in consultation with Aboriginal parents and youth.

1564. The Smoke-Free Environment Act and the Tobacco Control Act became law on 17 June, 1994. The legislation creates smoke-free environments in public places and restricts the legal age to purchase tobacco to over 19 years of age.

1565. Activities of the Newfoundland and Labrador Childhood Injury Prevention Programme Coordinating Committee include the development of objectives and strategies related to motor vehicle injuries, all-terrain vehicles, bicycle injuries and falls, and the review of emergency room data and provincial-regional data profiles.

1566. As a result of the efforts of an interdepartmental committee focusing on impaired driving, a number of legislative changes were made to the Highway Traffic Act, effective 31 December, 1994. The intent of these legislative changes is to decrease the number of individuals drinking and driving. The most publicized of these changes was the .05 legislation, which means those with a blood-alcohol concentration of 50 mg will have their licence suspended for a 24-hour period, and must pay a $100 reinstatement fee.

1567. The above-noted changes have the greatest implications for Drug Dependency Services (DDS), including mandatory education for all first-time convictions and mandatory assessment and potential treatment for all second-time convictions. DDS is working with the Department of Works, Services and Transportation, and the Newfoundland Safety Council to develop a half-day education programme for first-time offenders. This programme will be delivered across the province by the Newfoundland Safety Council.

1568. In addition, an interdepartmental-interagency committee has been establish to develop an education programme for owners/managers and servers of licensed liquor establishments in the province. This voluntary Server Intervention Program will be launched early in the next fiscal year.

Protection of the environment

1569. Government has authorized some reforms to the Environmental Assessment Act including: adoption of a formal mission statement which clearly promotes development in an environmentally acceptable manner; substantial revisions to regulations and schedules to limit the number of projects requiring registration in order to simplify and streamline the assessment of common project types; limitations on the scope of Environment Preview reports; enhancement of frontline counselling services to assist proponents; and assistance to proponents in identifying relevant data sources.

1570. Government is currently embarked on a complete review of all environmental legislation to produce a modern, efficient and effectively consolidated Environment Protection Act together with appropriate updated and streamlined regulations.

Article 13. Right to an education

Right to education

1571. The focus of the Department of Education in Newfoundland and Labrador on education can best be captured by its mission statement: "To enable and encourage every individual to acquire through lifelong learning, the knowledge, skills and values necessary for personal growth and the development of society."

1572. A key initiative of the Department of Education is the implementation of the recommendations of the Royal Commission of Inquiry into the Delivery of

Programs and Services in Primary, Elementary, and Secondary Education, Our Children, Our Future. The Royal Commission Implementation Secretariat was established in June 1993 to carry out the necessary activities leading to a reformed system. Their activities include the following:

(a) School councils are being established to integrate parents, students and teaching personnel into a decision-making body for each school. A steering committee has been established for the Schools Councils Initiative, and a developmental project has been undertaken to address the issue of effectiveness of school councils and to oversee a number of pilot school council projects. This work concluded in 1995 with the preparation and release of a provincial policy statement. The school councils project was piloted in 1995 in 9 schools and has grown to approximately 150 schools this year;

(b) The Classroom Issues Committee Report of the Social Policy Committee of the provincial Cabinet was received by government in 1995. This report examines issues related to disruptive students, integration and quality of school life. Government accepted the report in principle and appointed a coordinator for the project. The Departments of Education, Social Services, Health and Justice were directed to give further consideration to the recommendations outlined in the report and to develop a plan of action for government consideration, particularly with respect to the model for coordination of services between the departments. These departments are actively pursuing the implications of implementing this model. Meetings have been held with appropriate individuals and agencies with respect to taking action on many of the recommendations. Liaison will take place between this committee and the legislative committee looking at youth in the province;

(c) The Special Education Review was initiated in 1995 with the appointment of a full-time project Director. A comprehensive review of policies, programmes and practices of the Department and districts in relation to the provision of student support and special-education services is under way. This review encompasses the entire kindergarten - Grade 12 system and involves focus groups and questionnaires among other methods of data collection. A report on the findings should be released in 1996;

(d) A provincial educational indicators system is being developed in the Department of Education to make comprehensive and meaningful information readily available about our entire education system, kindergarten - Level III and post-secondary, both public and private. This will provide foundation information for major improvement and accountability efforts in the education system;

(e) An interesting pilot and a highly popular part of the Indicator Project is the collaborative development of local-level school reports. This activity is currently under way in 30 schools, spread over six boards, which are voluntarily participating in the pilot phase. These reports will provide parents and the local community with meaningful information about student performance and overall school effectiveness, such as graduation rates and results of testing programmes such as the Canadian Test of Basic Skills (CTBS) and high school public exams. They also include details on each school's staff, courses and improvement plans, and student attitudes towards the quality of their school lives, creating the most comprehensive reports ever released on Newfoundland's schools. These reports will provide the baseline information for the School Improvement Plan and the accreditation reports for each school.

1573. The first indicator document for the post-secondary level was published in 1995. This document has been compiled from information available in the major post-secondary databases in the province and is the first of its kind in Canada. It will serve to stimulate discussion around many of the major issues currently being raised about the post-secondary system. As improvements are made to the methodology for data capture and the interrelationships between indicators become clearer, a better understanding of the operation of the post-secondary system and its linkages with other systems such as the labour market should emerge.

1574. Newfoundland and Labrador is the lead province in the development of a comprehensive set of indicators of public/parent satisfaction and expectations for the Pan Canadian Educational Indicators Program. The Public Opinion Poll on satisfaction with education has been field tested and administered in this province. This poll includes two parts - one focused on post-secondary issues and the second addressing issues in the K-12 sector of education. A report outlining the findings and implications will soon be available from the Council of Ministers of Education, Canada (CMEC).

Right to primary and secondary education

1575. Curriculum working groups have been established to assist in curriculum reform. Seven working groups are currently preparing or completing documents for use by the school system. For example, the Student Learning Outcomes document makes available to the public a synopsis of those outcomes that students are expected to achieve at the end of Grades 3, 6 and 9. This draft document has been tested with representative focus groups, - and the results will be submitted shortly. Further, Directions for Changes: A Consultation Paper on the Senior High Program Review was released recently. It presents a comprehensive review of the current high school programme and makes numerous recommendations for change.

1576. The Department of Education School Improvement process continues to expand. The purpose of School Improvement is to organize school administrations to facilitate site-based collaborative decision-making in schools. This process will ultimately result in improved student achievement. There are ongoing training institutes for leadership teams, and a contact person has been established in each school board.

1577. Each school board administering schools in Native communities has taken initiatives with regard to programming for the Native community. These initiatives can include translation of material into Native languages, development of life-skills courses, and the organization of science fairs and drama festivals.

Right to higher education

1578. A college system has been established under The Colleges Act, S.N. 1991, c. 40. Colleges must (i) promote and deliver appropriate educational programmes and services throughout the province; (ii) enhance personal and professional development, and further the economic development of the province; (iii) provide quality educational opportunities within a responsible fiscal and administrative framework; (iv) offer access to a complete range of post-secondary programmes; and (v) assist with the development of the skills of the labour force to respond to economic and technological change, and to create a capacity for technology transfer.

1579. There has been a significant increase in the number of students pursuing studies at Memorial University. In comparison with the figures set out at paragraph 232 of the last report, in 1994/95, there were 13, 174 full-time and 2,823 part-time undergraduate students, and 765 full-time and 518 part-time graduate students.

1580. Initiatives have been taken to develop and encourage a more dynamic post-secondary education system, one which meets the needs of all citizens and responds quickly to changes in the workplace and in the provincial economy. Initiatives are in place to consider restructuring the present system from a university and five colleges to a more efficient system. Initiatives under this general restructuring plan include creating a central student registration system, consolidating financial and administrative services, and reviewing of the type and scope of programmes in the province to produce a provincial training plan. The Literacy Development Council has been established to support and coordinate the provision of literacy services in the province. Some programmes currently under way were inherited by the Council from the Literacy Policy Office in the Department of Education, while other projects have been conceived concurrently with the development of the Council. The Adult Basic Education (ABE) programme has been created to provide an education opportunity to those students who have not completed high school. Upon completion of Level III of ABE, students obtain a certificate equivalent to the high school graduation diploma. This certificate is recognized by all branches of education and government. ABE is now offered in almost every community in the province where there is a need.

1581. Significant progress has been made towards the expansion of distance-education programmes as an effective way to offer additional high school, university and college programmes. As of September 1995, the Department is offering distance education in 74 small schools in the province, an increase of 12 schools since September 1993. The number of courses offered has continued to increase.

1582. The Council on Higher Education was established to respond to priority issues, facilitate joint planning and provide for coordination of activities within the post-secondary sector. Prior Learning Assessment in the post-secondary system has been a priority in Newfoundland and Labrador since 1992. This is a process to recognize and accredit formal and life experience learning. This assessment can be based on one or more of the following: written examinations, portfolios, performance evaluation/simulation, interviews and oral examinations, documentation and assessment of non-credit courses and programmes. This project will be implemented from September 1995 to August 1997. Since February 1994, the Open Learning and Information Network has been working to coordinate the development, production and distribution of distance-learning products, and to facilitate free access to a comprehensive range of learning opportunities. The Newfoundland and Labrador Council on Higher Education is involved, both within the province and nationally, in an effort to facilitate transfer of credits between post-secondary institutions, and in the Council of Ministers of Education's transferability initiative.

1583. Financial assistance is available to full-time graduate students in the form of graduate fellowships, graduate assistantships and research grants. These stipends are offered in varying amounts, depending on the assessment done by the Department of Graduate Studies and other relevant factors.

Improvement of the material conditions for teaching staff

1584. The Department of Native and Northern Affairs, in conjunction with the Department of Education, sponsors a teacher-certification programme for Innu and Inuit people who have not graduated from high school. Graduates of this two-year programme offered on site in Labrador, obtain a Level II teaching certificate upon completion. Many of the graduates work in Native communities as teaching assistants and curriculum consultants.

1585. A committee, established by the Royal Commission Secretariat has prepared a discussion paper on teacher certification and professional development. The Consultation Paper on Teacher Certification and Professional Development recommends reducing the number of levels of certification, changing the requirements for advancement between certification levels, introducing a system of certificate endorsements to indicate specific levels and subject areas in which teachers are qualified, and requiring teachers to review their teacher's certificates at specific intervals.

1586. The Professional Development Centre was established in April 1995 to provide ongoing professional development for kindergarten - Grade 12 and post-secondary teaching personnel in the province. It provides a wide range of professional development activities, including short courses, seminars and institutes. The Centre also serves as a coordinating agency for other agencies in the province which provide professional development.

Article 15. The right to take part in cultural life and to enjoy the benefits of scientific progress, and the protection of authors' interests

1587. The responsibility for culture is now under the Department of Tourism, Culture and Recreation.

1588. The province's Strategic Economic Plan (June 1992) states that the six arts and culture centres currently owned and operated by the Government through its Cultural Affairs Division will be handed over to regional or community control. It is hoped that, with a greater sense of ownership on the part of the community, the centres will have a chance to play a more vibrant role in the cultural and economic life of the regions in which they operate.

1589. A $5 million federal-provincial agreement on cultural industries was signed in July 1992 providing much-needed support to professional artists and art organizations in all sectors.

1590. The Strategic Economic Plan puts a priority on the development of the province's cultural and heritage resources, thereby ensuring that both their intrinsic value and their growth potential are maximized.

IV. MEASURES ADOPTED BY THE GOVERNMENTS OF THE TERRITORIES

A. Yukon

Article 6. Right to work

1591. The Department of Health and Social Services provides employment and training, counselling and referral of employable social-assistance recipients. The Department also provides some financial assistance to enable participation in formal occupational training or adult-education programmes, and referral to specialized employment-training services for the disabled.

1592. Rehabilitation programmes to prepare for the resumption of employment are available to assist those who have been ill or injured. The Vocational Rehabilitation Program provides counselling and assessment for clients requiring guidance in preparation for employment and/or adjustment to independent living in the community. The programme also provides training services and arranges for occupational and learning opportunities, and through other programmes provides training to prepare adults for entry into the competitive job market.

1593. The Canada-Yukon Economic Development Agreement helps communities create and implement economic development plans.

1594. The Human Rights Act was passed by the Yukon Legislature on 12 February 1987. This Act prohibits discrimination based on:

Ancestry, including colour and race;

National origin;

Ethnic or linguistic background or origin;

Religion or creed, or religious belief, religious association, or religious activity;

Age;

Sex, including pregnancy- and pregnancy-related conditions;

Sexual orientation;

Physical or mental disability;

Criminal charges or criminal record;

Political belief, political association or political activity;

Marital or family status;

Actual or presumed association with other individuals or groups whose identity or membership is determined by any of the grounds listed above.

1595. In March 1992, the Human Rights Commission introduced its policy on sexual harassment. The policy applies to employment, as well as to accommodation, public services, and membership in trade unions or professional associations.

1596. In February 1994, the Human Rights Commission released its Employment-related Medical Testing Policy. The policy is designed to ensure equal opportunity in selection and employment procedures for all members of Yukon society and to guarantee fairness in the workplace without compromising safety or efficiency.

1597. The year 1991 saw a significant change in the motor vehicles regulations. New policy and procedures permit individual assessment of insulin-dependent diabetics, replacing a discriminatory "blanket" clause which failed to take into account individual cases and which denied all insulin-treated diabetics from being licensed to drive passenger buses and heavy commercial vehicles.

1598. The Staff Relations Branch of the Public Service Commission provides help to employees to understand the Yukon Human Rights Act and problems of discrimination. This Branch also handles human rights complaints against employers.

1599. The Yukon Government Employment Equity Policy was approved in July 1990. The policy document states that the employer's goal is to ensure fairness in access to employment opportunities and to develop a public service that is representative of the Yukon population by the year 2000. The policy applies to all departments of government. The target groups identified in the policy are women, Aboriginal people and people with disabilities. The objectives of the policy are to achieve an equitable, representative workforce; identify and remove barriers to employment and advancement; implement special measures and support programmes to remedy a previous disadvantage; and contribute to fair and equitable access to employment opportunities and benefits of the Yukon Government. A survey was designed to assist the Government to collect information from employees, which is required for the planning and support of employment equity programmes that are established to eliminate employment disadvantages. Annual employment equity plans are developed, and progress is reported in annual corporate reports for the Yukon Government.

1600. In March 1992, a Workplace Harassment Policy was approved by the Yukon Government. The purpose of the policy is to establish a workplace that does not tolerate harassment and to maintain a work environment that is free from harassment. The policy applies to all individuals, including casual and contract personnel, employed with the Yukon Government. Definitions are provided for the types of harassment covered under this policy, including workplace harassment, personal harassment, sexual harassment and abuse of authority. The policy also provides information to employees about bringing complaints under the Human Rights Act.

1601. The Leave Benefits Policy provides for leave without pay for employees for adoption, maternity and paternity reasons. Regular and seasonal employees who have completed one year's continuous employment are eligible for a wage top-up to 93 per cent of their weekly rate of pay for a total of 17 weeks. This enables employees to balance their work and family responsibilities.

1602. The Leave Without Pay Policy provides employees with the opportunity to take leave without pay to fulfil family, cultural, civic and volunteer roles within the community. The leave is designed to recognize and accommodate the needs of employees in the workplace. This leave permits employees to participate in work-related and non-work-related activities without losing status as an employee.

1603. The Reintegration of Disabled Employees Policy provides alternative employment opportunities to employees who become either temporarily or permanently disabled, rendering them unable to perform the functions of their job. Affected employees may volunteer for the programme, which is designed to assist both the employee and the employer. Opportunities that are considered under this policy are: temporary or permanent restructuring of the employee's hours of work; modification of the employee's job or workplace; on-the-job training assignments; and formal training for a specific, identified position. Individualized plans are developed in consultation with the employee.

1604. The Staff Development Branch of the Public Service Commission provides organizational and developmental services that promote a safe, healthy learning environment for employees in the Yukon Government. Training programmes are designed to meet the specific training needs of the employer. This service may be provided to other organizations and employers in the community.

1605. Section 161 of the Public Service Act provides for leave without pay for employees proposing to become candidates in an election held pursuant to the Canada Elections Act or the Elections Act (Yukon).

1606. The Public Service Commission has a Time Off for Elections policy which provides employees with time off with pay, if required, to cast their votes in federal, territorial or municipal elections.

1607. In 1986, an amendment to the Employment Standards Act was proclaimed, resulting in specific provisions governing the termination of employment. All employees who have completed six consecutive months of employment and are not dismissed for just cause must be given one week's written notice of termination.

1608. Any employer who fails to comply with this provision may pay to the affected employee an amount equal to one week's wages in lieu of notice. These termination provisions do not apply to: (a) the construction industry; (b) a seasonal or intermittent undertaking that operates for less than six months per year; (c) an employee discharged for just cause; (d) an employee whose employer has failed to abide by the terms of the employment contract; (e) an employee on a temporary layoff; (f) an employee employed under a contract of employment that is impossible to keep due to an unforeseeable event; (g) an employee who has been offered and who has refused a reasonable alternative employment; and (h) an employee who is represented by a trade union.

1609. An employee who has completed six consecutive months of employment must also provide an employer with one week's written notice of quitting or possibly forfeit one week's pay in lieu of notice.

Article 7. Right to just and favourable conditions of work

1610. The most recent change to the minimum wage in the Yukon Territory occurred on 1 April 1991 and was set at $6.24 per hour. This represents an increase of $2 since the last report. All employees who are paid on commission or by piece work must receive at least the minimum wage for any standard hours worked in a pay period. Further, domestics, farm workers, guides and outfitters who are paid wages other than at an hourly rate or on a piece-work basis must be remunerated at the rate of eight hours multiplied by the minimum hourly rate for each day or part day worked. The above minimum wage regulations came into effect on 1 May 1988. In addition to the general minimum wage rate, there exist special minimum wage rates for categories of employees employed in government construction work.

1611. All employers in the Yukon Territory who fall under the jurisdiction of the Employment Standards Act are required to pay their employees:

At least every 16 calendar days;

Wages and commission earned up to and including a day that is not more than seven calendar days prior to the regular payday;

In Canadian dollars, cash or by cheque or deposit to the employee's personal account;

When employment ceases, all wages, including vacation pay, within three days of the date of termination (last day of work).

1612. Other sections of the Employment Standards Act govern the issuance of wage statements for each pay period and prevent an employer from making unauthorized deductions from an employee's pay.

1613. The Employment Standards Act provides for equal pay to employees of both sexes when the work is performed in the same establishment under similar working conditions, and requires similar skill, effort and responsibility. Employers are required to pay these employees the same rate of pay, unless the difference is due to:

A seniority system;

A merit system;

A system that measures earnings by quality or quantity of production; or

A differential based on any factor other than sex.

1614. Further, an employer cannot reduce an employee's rate of pay to comply with the equal pay requirements.

1615. The Public Service Commission is responsible for ensuring compliance with the Occupational Health and Safety Act through implementing programmes to promote safety and workplace health, and to assist supervisors and employees to develop, utilize and support safe and healthy work practices. Implementation procedures are the same as outlined in the Yukon section of the 1987 report.

1616. Two new policies to safeguard the right to just and favourable conditions of work within the Yukon Government have been established.

1617. The AIDS Policy provides for the respect of the rights and benefits of employees who are infected with AIDS/HIV, education and counselling services for all employees regarding AIDS/HIV, protection of the occupational health and safety of employees who are potentially at risk of exposure to HIV, and ensuring that misconceptions regarding the transmission of AIDS/HIV infection in the workplace are eliminated.

1618. The Employee Assistance and Health Promotion Policy provides for the promotion, enhancement and maintenance of the health and well-being of employees to improve the quality of work life, increase productivity in the public service and support departmental human resource management. The main focus of this policy is personal counselling and education, career development, occupational health, employee orientation, and communication and research.

1619. With regard to safety and healthy working conditions, the Workplace Hazardous Materials Information System Regulations were proclaimed in 1988.

1620. There was a merger of the Occupational Health and Safety Branch with the Yukon Workers' Compensation Board, which became the Yukon Workers' Compensation Health and Safety Board in 1992.

1621. In 1991, the maximum fines and penalties for unsafe working conditions were increased tenfold. An administrative penalty system was established as an alternative to the court system.

1622. The frequency of time lost due to injuries increased in the period 1984-1988 and since decreased in the period 1988-1994. The number of fatalities has remained relatively constant over the entire 10-year period. Construction, mining and transportation are the industries with the greatest frequency of injuries.

Article 9. Right to social security

1623. Relevant territorial legislation includes the Social Assistance Act, the Health Care Insurance Plan Act, the Hospital Insurance Services Act, the Seniors Income Supplement Act, the Child Care Act, the Pioneer Utility Grant Act and the Workers' Compensation Act.

1624. Social assistance provides income support to residents of the Yukon who are deemed, through a means test, to be in need. Benefits are available for basic needs of food, shelter, clothing, incidentals, utilities, fuel, special boarding or nursing homes, and for special needs such as medical, dental or optical expenses, in some cases.

1625. Hospital and physician services are completely covered without premium costs. Programmes provide special drug, equipment and supply benefits to Yukon residents in greater need.

1626. Sickness benefits are provided by most employers as part of the employment benefits' package.

1627. The Travel for Medical Treatment Act provides travel subsidies to eligible persons for medically necessary transportation.

1628. Health Care Insurance Plan premiums are not required. Extended health benefits are offered to seniors and cover a range of services, including medical supplies and equipment, dental care, optical goods and services to people 65 years of age or over and spouses aged 60 or over whose benefits are not covered by private insurance.

1629. Additional benefits are available to Yukon residents over the age of 65 to cover utility and fuel costs, supplementary benefits to social insurance, and drug and equipment costs.

1630. The Yukon Seniors Income Supplement provides a monthly income supplement to a maximum of $100 for low-income Yukon seniors who are in receipt of the Federal Guaranteed Income Supplement or for spouses who are in receipt of the Spouse's Allowance or the Widowed Spouse's Allowance.

1631. The annual Pioneer Utility Grant remains at $600.

1632. A new residential facility, the Thomson Centre, was opened to provide a higher level of care to Yukon residents requiring long-term care.

1633. The First Nations Health Programme provides culturally relevant services to First Nation clients of the Whitehorse General Hospital.

1634. The continuing care programme provides a comprehensive range of institution-based services for seniors and disabled people of the Yukon, and attempts to coordinate and integrate these services with the community-based social services. Among other counselling services, employment and training services are available, along with financial assistance to enable participation in formal occupational training or adult-education programmes and rehabilitation services.

1635. In-territory Residential Services provides residential support and life-skills training to mentally disabled adults through various programmes and services, including the In Own Home Supported Independent Living programme.

1636. The Chronic Disease and Disability programme provides financial assistance for drugs, medical surgical supplies and other medically necessary items, in excess of $250 per year for persons not covered by private insurance, and who are suffering from a severe disability or a chronic disease.

1637. Workers in the Yukon Territory are covered under the Yukon Workers' Compensation Act. A new Workers' Compensation Act was proclaimed in 1992.

1638. Under the legislation, a worker who suffers a compensable work-related disability is entitled to receive compensation for loss of earnings. Loss of earnings benefits are based on 75 per cent of the worker's weekly loss of earnings from all sources. On the anniversary of the start date of a worker's loss of earnings, benefits are indexed by 2 per cent, and by any percentage change between the average wage for the year and the immediately preceding year. A worker's loss of earnings benefits can never exceed the maximum wage rate for the year. The maximum wage rate for 1995 was $51,900.

1639. The Workers' Compensation Act applies to all workers in the Yukon except those persons who are: (a) employed on a casual basis for purposes other than the employer's industry; (b) outworkers; (c) acting in a religious capacity such as ordained or appointed clerics, members of a religious order or lay readers; (d) volunteers; (e) employers; (f) sole proprietors; (g) elected officials of a municipal council; and (h) elected or appointed officials of a First Nation.

1640. However, the Board may, on application of an employer, deem the above to be workers of the employer.

1641. Rehabilitation will be provided to a worker, if a worker requires rehabilitation assistance because of a work-related disability. The purpose of rehabilitation is to reduce or remove the effects of a work-related disability. Rehabilitation may include vocational or academic training.

1642. The Workers' Compensation Act provides compensation to a worker's dependants, when the worker dies because of a work-related disability. Benefits are as follows:

Spouse: 3.125 per cent of the maximum wage rate for the year of payment;

Dependent children: 1.25 per cent of the maximum wage rate for the year of payment;

Equivalent to spousal: 3.125 per cent of the maximum wage rate for the year of payment or, when there is more than one person eligible for "equivalent to spousal", the amount is divided in proportionate shares between the individuals based on the number of children each person maintains;

Other dependants: 1.25 per cent of the maximum wage rate for the year of payment.

Article 10. Right to protection of the family, mothers and children

1643. Financial assistance to families is provided through the Social Assistance Act, and benefits are based on size of the family and need.

1644. The Department of Health and Social Services provides the following programmes to protect families:

(a) The Family and Children's Services Branch provides programmes to assist families with special needs. The Branch provides funding for transition homes and other community agencies providing services to families, including the Child Development Centre, Yukon Family Services, the Teen Parent Centre, the Yukon Advisory Committee on Indian Child Welfare and the Skookum Jim Friendship Centre;

(b) The Child Care Unit licenses and provides assistance to child care centres and family day homes for short-term child care, and assists in providing community-based training and development for child care workers. It also provides subsidies to families who are unable to afford appropriate child care while parents are working;

(c) The Placement and Support Unit provides adoption services, child-abuse treatment services, services to children in care, and recruits, monitors and supports foster homes;

(d) The Family and Children's Services Unit provides support and counselling services to families, provides child-protection services, and offers a youth health-promotion service;

(e) The Youth Services Unit provides probation services, alternative custody measures and secure custody, and runs the open-custody caregiver network for adolescents charged under the Young Offenders Act. It also provides treatment services for youth sex offenders, residential resources for adolescents, and outreach and community programmes for youth at risk;

(f) Community health nurses provide well-baby clinics and periodic health assessments of preschool children, and administer the immunization programmes;

(g) The Home Care Unit provides assistance with homemaking tasks and nursing care for residents with disabilities or illnesses who are able to stay in their own homes.

1645. Home ownership assistance is available through Yukon Housing Corporation's Owner Build and Home Ownership programmes, and the government's Home Ownership Grant.

1646. Community health centres provide prenatal classes, which are available to all pregnant women. These classes cover preparation for childbirth, as well as newborn and child care.

1647. The Teen Parent Centre provides an opportunity for teenage mothers to complete their high school education, while providing other support services such as day care and education to meet the needs of young children.

1648. All services required for childbirth and pre- and post-natal care are covered by the Health Care Insurance Plan Act and the Hospital Insurance Services Act.

1649. The Employment Standards Act provides for 17 weeks of unpaid maternity leave to an employee who has completed 12 months of continuous employment with an employer. Should the employee give birth or the pregnancy terminate before a request for leave is submitted, an employee can request, and if so must be granted, six weeks' unpaid leave from work as a recovery period. In addition to the periods of leave previously described, the Employment Standards Act also requires the employer to reinstate the employee, after the expiration date of the leave, to the position occupied by her when the leave commenced, or into a comparable position. Further, she is entitled to receive not less than the wages and benefits that had accrued to her on the date the leave commenced and all increments to wages and benefits to which she would have been entitled had the leave not been taken. Lastly, the Employment Standards Act prohibits an employer from terminating an employee or changing a condition of employment without the employee's consent because of either an absence allowed under the maternity provisions or the pregnancy itself, unless the employee has been absent for a period exceeding the 17 weeks.

1650. Provisions under the Children's Act allow the Department of Health and Social Services to intervene in situations where there is inadequate care, or evidence of physical, mental or sexual abuse of children. Mandatory reporting procedures have been strengthened for professionals who work with children.

Article 11. Right to an adequate standard of living

1651. The average income of a Yukon family in 1992 was $63,928, which is 19 per cent higher than the Canadian average. However, the increased cost of living in the Yukon results in buying power similar to that in the south.

1652. The average income for lone-parent families was $24,152. Thus, 56.3 per cent of lone-parent families have total incomes below the low-income measure.

1653. Eighteen per cent of Whitehorse residents live in low-income situations, compared with 32.2 per cent of the population outside of Whitehorse.

1654. Yukon women on average earned 69 per cent of what Yukon men earned.

1655. The Business Development Fund programme provides assistance to small and medium-sized Yukon businesses and, occasionally, business organizations such as industry associations. Among the rationales for such a programme is the difficulty that small and medium-sized businesses face in securing financing from traditional lending agencies, particularly in small Yukon communities. This programme is currently under review.

1656. The Renewable Resources Cooperation Agreement contributes to renewable resource industries, which expand the base of the Yukon economy, thus promoting a more stable and self-reliant economy.

1657. In 1993, 71 per cent of Yukon residents met or exceeded the daily recommendations contained in the Canada Food Guide. Nutritional status was not primarily related to income. Nutrition information is provided through health care services and a variety of health promotion groups.

1658. Aboriginal peoples are guaranteed a right to harvest wildlife for subsistence needs under the Yukon First Nations Land Claims Settlement Act.

1659. Waste of meat and abuse of domestic or wild animals are prohibited under the Animal Protection Act, the Wildlife Act and the Yukon First Nations Land Claims Settlement Act.

1660. The Yukon Housing Corporation provides loans for the purposes of acquiring, constructing or improving housing.

1661. Programmes to help families to attain home ownership include the Owner Build Program and the Home Ownership Program. The Extended Mortgage Guarantee Program is available to Yukon rural residents to assist in obtaining financing for the purchase of a new home in areas where private financing institutions are unable to lend.

1662. A Self-help Housing Course is offered several times each year to Yukon residents; this course provides information on all aspects of home ownership and on how to manage the construction of a house.

1663. The Home Repair Program is designed to assist all Yukon homeowners to repair their homes by providing low-interest loans; low-income clients may be eligible for repayment subsidies. This programme addresses homes that are in need of repair, will benefit from increased energy efficiency, or need modifications to make them accessible to a disabled occupant.

1664. To encourage the construction of housing units, the Rental Suite Program is available to homeowners who would like to construct a rental suite. The Joint Venture Program's purpose is to encourage and support the participation of the private sector in developing affordable housing through different forms of financial assistance.

1665. The Yukon Housing Corporation operates a Non-profit Housing Program to help low-income Yukon residents and senior citizens to obtain suitable and affordable rental accommodation; rent levels for tenants are geared to income.

1666. Prior to 1994, when capital funding was discontinued nationally, the Non-profit Housing Program also financed the construction of special-purpose housing such as a women's shelter and an extended-care facility.

Article 12. Right to physical and mental health

1667. The Yukon data for 1987/90 indicate that infant mortality rates were converging on the Canadian average, with apparent declines in both prenatal and post-natal death rates. The healthy development of children is promoted through public health units, the child development centre, and a broad range of child care and education programmes.

1668. Immunization levels in the Yukon are very high - about 92-97 per cent. Haemophilus influenzae B meningitis has dropped dramatically with the introduction of anti-Hib vaccine for infants. In 1994, a Hepatitis B vaccination programme was begun in Yukon schools.

1669. The Yukon rate of HIV infection is 0.3 per cent, similar to the rate for rural communities in British Columbia. AIDS education and support services are offered through AIDS Yukon Alliance. Information on AIDS/HIV and other sexually transmitted diseases, and prevention programmes that include the distribution of free condoms and a needle-exchange programme, have helped to lower the incidence of sexually transmitted diseases.

1670. The rate of reported cases of giardiasis continues to be much higher than the Canadian rate. Public education on the proper treatment of drinking water during outdoor recreational activities is continuing.

1671. In 1993, 33 per cent of Yukon residents were regular smokers. This is higher than the Canadian figure of 28 per cent. Twenty-five per cent of residents aged 15-19 were regular smokers, which is higher than the national rate of 19 per cent.

1672. Eighty-four per cent of Yukon residents are current drinkers; 8 per cent of these are grouped as "heavy frequent" drinkers; 9 per cent are classified as "heavy infrequent" drinkers; 29 per cent are "light frequent" drinkers; and 38 per cent are "light infrequent" drinkers. The total consumption of alcohol in the territory decreased between 1990 and 1993.

1673. Recent surveys indicate that marijuana is used by 14 per cent of the Yukon population. Cocaine use is estimated at approximately 2 per cent. These are similar to the Canadian averages.

1674. Forty-eight per cent of Yukon residents fall within an acceptable weight range. Sixteen per cent are underweight, and 37 per cent are overweight or possibly overweight. Of Yukon residents aged 20-24, 21 per cent are underweight, 39 per cent are an acceptable weight, and 40 percent are overweight or possibly overweight. Of residents 25-34, 15 percent are underweight, 55 per cent are an acceptable weight, and 30 per cent are overweight or possibly overweight. Of residents 35-44, 15 per cent are underweight, 52 percent are an acceptable weight, and 32 per cent are overweight or possibly overweight. For residents 45-54, 12 per cent are underweight, 43 per cent are an acceptable weight, and 45 per cent are overweight or possibly overweight. Of those residents aged 55-64, 19 per cent are underweight, 29 per cent are an acceptable weight, and 52 per cent are overweight or possibly overweight.

1675. The basic costs of hospital and physician services are provided to all Yukon residents under the Health Care Insurance Plan Act and the Hospital Insured Services Act. These programmes provide coverage for the complete cost of physician and hospital services without premiums. They are financed through general revenues and contributions from the federal Government. Necessary medications, equipment and supplies for the management of chronic diseases and disabilities are provided through two programmes, Pharmacare and Extended Health Benefits. These benefits are provided without cost to all residents over 65 years of age.

1676. The Yukon Health Act, proclaimed in 1990, encourages the development of community boards to establish councils having the responsibility for providing health and social services.

1677. The responsibility for providing hospital services was transferred from the federal to the Yukon government, and negotiations are proceeding on the transfer of other services, including community health services, mental health services, environmental health and dental programmes.

1678. The Health Act stresses prevention and health promotion as key principles in the provision of health and social services. Programmes are provided by a variety of government and non-government organizations.

1679. Alcohol and Drug Services provides education and prevention programmes for Yukon residents, as well as residential and outpatient treatment programmes.

1680. The Yukon Workers' Compensation Health and Safety Board has improved the prevention of occupational diseases by increasing the delivery of back-care programmes and audiometric testing. Educational programmes on confined space entry, ergonomic evaluation and chlorine handling have been initiated within the period 1992-1994.

1681. The Yukon is a Territory and, as such, is constitutionally limited in the extent to which it can enact laws in the area of environmental protection. Water resources, mineral development, forestry, most lands, and oil and gas (in the short term) are under federal mandate. However, gap areas exist, where neither federal nor territorial laws are in place. As a result, the Yukon passed an Environment Act in 1991. Since that time, a number of regulations have been developed. Others will be developed to cover legislative gaps and to provide for federal programme transfers in the future. Current regulations and initiatives under way include the following.

1682. The Beverage Container Regulation, 1992, provides a deposit and refund system for scheduled containers. This has greatly increased the recyclable materials going out of the Yukon for processing.

1683. The Recycling Fund Regulation, 1992, is a revolving fund which was established using the non-refundable portion of the beverage container deposit to finance community recycling depots throughout the Yukon, and other initiatives designed to improve recycling in the Yukon.

1684. The Pesticides Regulation, 1994, regulates and controls the use of pesticides in the Yukon by requiring applicator certification, vendor permits, use permits and service permits with conditions requiring safe handling, use and disposal.

1685. The Special Waste Regulations, 1995, regulate the safe handling, transportation and disposal of hazardous wastes through a system of permits, inspections and monitoring. These regulations are linked to federal and Yukon dangerous-goods transportation laws and provide better tracking of special wastes.

1686. Due to the small population and limited industrial base, it is not feasible to treat or provide for a hazardous-waste disposal facility in the Yukon. The Special Waste Program, 1994 provides for periodic collection and shipment of commercially generated hazardous waste to southern Canadian treatment and disposal facilities. The programme also includes household hazardous waste collection and removal, including waste oil.

1687. The Yukon is a full participating member of the Canadian Council of Ministers of the Environment and chaired the Council in 1995. This forum and its subcommittees promote harmonization of environmental laws in Canada and other national initiatives towards sustainability and environmental protection.

Article 13. Right to education

1688. The authority to provide educational services to the residents of the Yukon is derived from the Yukon Act of 1898. This Act gives the Yukon government the same constitutional powers with respect to education as given to the provinces.

1689. The Department of Education has responsibility for basic and post-secondary education. Under basic education (kindergarten to Grade 12) are included public schools, Catholic separate schools and the French First-language School. Under post-secondary education is included Yukon College and community-based campuses and adult industrial training and apprenticeship. In addition, the Department directly funds the Yukon Native Teachers' Education Program and the Native Language Centre.

1690. The legislation governing the Department is both territorial and federal. It includes the Education Act, assented to on 14 May, 1990, which replaced the previous School Act. As well, there are the Teaching Profession Act, the School Trespass Act, the Students Financial Assistance Act, the Occupational Training Act, the Trades School Regulation Act, the Apprentice Training Act and the Access to Information Act.

1691. At the beginning of each school year, the Department of Education, in cooperation with the Council of Yukon Indians and the Yukon Teachers' Association, holds a workshop to make new teachers and administrators aware of indigenous culture and values. Other opportunities to acquire knowledge of the Yukon's First Nations include cross-cultural workshops and materials for new staff members. As well, the Native Language Centre located in Yukon College, provides a wide variety of training and information opportunities.

1692. Almost all the staff involved in teaching in the Yukon have received their professional training in one of Canada's provinces. The Yukon Native Teachers' Education Program at Yukon College has been successful for the last few years in preparing First Nation teachers for placement in Yukon schools. At Yukon College, through agreements with institutions in other jurisdictions, courses and programmes are offered at the Master's level.

1693. In the social studies area, as in other curriculum areas, the Yukon follows the British Columbia curriculum. However, the students are introduced to much of the Yukon's history and geography as well as the culture and history of the First Nations of the Yukon.

1694. Persons who on 1 September in a year are 5 years and 8 months of age or older, and younger than 21 years of age, and who are Canadian citizens or individuals lawfully admitted to Canada for temporary or permanent residence, are entitled to receive an educational programme appropriate to their needs in accordance with the provisions of the Education Act.

1695. The Deputy Minister of the Department of Education or, where there is a School Board, the School Board, may permit a person who is 21 years of age or older to enrol in an educational programme on such terms as may be prescribed by the Deputy Minister or School Board. On the request of a student or a parent of a student, the Deputy Minister may authorize the student to attend an educational programme at a school in the Yukon other than the territorial educational programmes and tuition fees and other costs may be levied for the attendance of this student.

1696. At least one school operated by the Deputy Minister or a School Board in each community shall provide a free kindergarten programme. Where there is more than one school in a community, the Minister or School Board shall designate the school or schools that shall offer the kindergarten programme.

1697. The Deputy Minister or a School Board may establish and maintain educational programmes for children who have not attained school age and may charge tuition fees for attendance at this programme.

1698. Programmes at Yukon College are open to any student who meets the academic requirements. There are no restrictions that prevent qualified Yukon students from attending post-secondary institutions outside of the Territory.

1699. The Yukon Native Teacher Education Program, a four-year Bachelor of Education programme, and a Northern Human Services Worker Program, a Bachelor of Social Work programme, are accredited by the University of Regina, and are designed to attract persons of Native ancestry into the teaching and social work fields.

1700. Pursuant to the Students Financial Assistance Act and regulations, financial assistance is available to all students. A grant for post-secondary students for studies within and outside of the Territory is available to eligible students, as is the Canada Student Loan.

1701. Pursuant to the Occupational Training Act and regulations, training allowances are available to all Yukon students, scaled to the number of dependants of the student, for undertaking training and academic upgrading in the Yukon.

1702. Yukon Excellence Awards, based on academic achievement in Yukon schools, are available to all students for the costs of post-secondary studies. Other special scholarships and awards are also available.

1703. Adult Basic Education courses are offered at Yukon College campuses for the upgrading of literacy and numerical skills. They are also offered as a supplement to skills programmes. The programme offers secondary school completion recognition and pre-college preparation.

1704. The government also provides core funding to a Yukon-wide, non-profit organization which provides basic literacy training through one-on-one tutoring, computer-assisted learning and other methods. It also funds special literacy projects developed and managed by First Nations and community campus groups, based on local literacy priorities.

Article 15. Right to take part in cultural life and to enjoy the benefits of scientific progress, and the protection of authors' interests

1705. The Public Libraries Act provides the statutory authority for the operation of public library services and contains provisions for community library boards. The Education Act also directs principals to include activities that promote the cultural heritage, traditions and practices of the community. The Language Act (1988) recognizes French and English as official languages of Canada and recognizes the Yukon's Aboriginal languages. The Archives Act, the Historic Sites and Monuments Act and the Dawson Historic Sites and Grants Act all provide a means by which information and artifacts of the early culture of the Yukon can be preserved. The Recreation Development Act provides regulations with respect to government funding of cultural societies. The Lotteries Act also provides for an additional source of funding for cultural activities.

1706. There is no restrictive legislation with respect to cultural activities or their pursuit. Cultural societies registered pursuant to the Societies Act and composed of not less than two social associations, affiliated member clubs or organizations are eligible for an administrative grant. All other individual groups, clubs or organizations may apply for a grant under the Yukon Lotteries Act. The Yukon Arts Funding Program makes funds available to organizations in the performing, visual and literary arts. The Advanced Artist Development Grant assists individual artists with innovative projects, travel or educational pursuits.

1707. During the reporting period, the Community Development Fund (CDF) provided financial help to groups to strengthen local communities through jobs and training, community planning, social development and sustainable economic development; community capital projects; and subsistence activities. Eligible groups included local governments, First Nations, community associations and non-profit societies. In particular, the CDF provided support for cultural activities, and the development of cultural and recreational facilities. Recently, the CDF programme was cancelled, and a review of measures to promote community economic development is presently under way.

1708. As well as other Yukon government programmes, the Centennial Anniversaries Program and Centennial Events Program aim to support the efforts of municipalities, First Nations and non-profit organizations to benefit from the economic opportunities and tourism potential associated with the centenaries of the North West Mounted Police, the Klondike Gold Rush, the formation of the Yukon, the construction of the Yukon White Pass and Yukon Railway, and other associated anniversaries, as well as the twenty-fifth anniversary of the Council for Yukon Indians.

1709. The Libraries and Archives Branch of the Department of Education operates a centralized regional library (print and multimedia) in Whitehorse, and provides funding and collection for nine community libraries and eight volunteer libraries in smaller communities. An automated Public Access Catalogue and inter-library loan system provides access for all residents to the entire public library collection, and electronic mail is utilized to access resources in other provincial, national and international depositories. The Branch operates the Yukon Archives to acquire, preserve and make available Yukon, northern and circumpolar documentary heritage and information, including the permanent records of the Yukon government. The Archives administers the Yukon Access to Information Act, which provides a formal process for the public to request access to Yukon government information.

1710. These are operated by private societies with some funding for maintenance and capital expenditures provided through the Department of Heritage and Cultural Resources. The Museum Policy announced in December 1989 formalized the role of the Yukon government with respect to museums and described how museums can receive funding.

1711. The Arts Centre Act was passed in 1988 to establish a Yukon Arts Centre Corporation for the operation of the then proposed Yukon Arts Centre. The goals of the Corporation are to "carry out programs for the presentation and development of the fine arts at the Yukon Arts Centre, and to help other arts groups and the Government of the Yukon in the development of those arts elsewhere in the Yukon".

1712. In 1992, the Yukon government constructed the Yukon Arts Centre on the Yukon College Whitehorse campus. The state-of-the-art facility houses a 424-seat theatre and a 4,200 sq. ft. public gallery.

1713. This facility provides a venue for the promotion of exhibitions (art gallery) and the presentation of artistic events. Many events are presented by Yukon artists. The Yukon Arts Council receives funding to act as an advocate for the arts in the Yukon and to operate a cultural programme.

1714. The Yukon government supports and promotes culture and cultural activities through various government departments. The Heritage Branch of the Department of Tourism protects and manages the Yukon's heritage resources. The Department of Tourism's Arts Branch provides funding support and consultative advice to individual artists and arts organizations. The Branch is currently consulting on a comprehensive arts policy for the further development of the Yukon's arts and cultural industries sector.

1715. The Arts-in-the-School programme provides opportunities for local artists to work with students and teachers in the school system; the Yukon Permanent Art Collection provides opportunities for local artists to have their work purchased for display in government-owned or -operated buildings.

1716. Land claims agreements involve the First Nations in the management of the Yukon's heritage resources.

1717. The Artist-In-School Program and the Writer-In-Residence Program brings Canadian authors and artists to the Yukon for a period of time to conduct workshops. The Yukon Archaeological Program manages the Yukon's archaeological resources, and conducts and coordinates research and public awareness. The Yukon Heritage Inventory Program identifies and records information about historic sites. The Heritage Assistance Contribution Program is an incentive programme for members of the public who wish to preserve historic sites.

1718. The Yukon Geographic Names Board determines the names of Yukon geographic features. The Yukon Council of Archives brings archivists to the Yukon and has access to the Canadian Council of Archives. The Yukon's Archives are situated on the campus of Yukon College.

1719. The Archives Act provides the mandate for the Yukon Archives to acquire, preserve and make available the documentary heritage of the Yukon, including the records of the Yukon government. The Access to Information and Protection of Privacy Act provides a formal process for the public to request access to Yukon government records, and processes to safeguard the privacy and confidentiality of third-party information and for individuals to request correction of personal information.

1720. The Yukon government supports applied technology and research through the following types of programmes.

1721. The Canada-Yukon Economic Development Agreement has various programmes that are financed by the federal and Yukon governments in two successive five-year agreements. All programmes noted below expired in March 1996, except for the Small Business Cooperation Agreement, which expired in 1997. It should be noted that one position on decision-making committees is reserved for a representative of the Council for Yukon Indians.

1722. The Forestry Cooperation Agreement provided financial assistance for the development of the Yukon forestry sector, and in particular for the development and application of methods, including silviculture practices, that will contribute to the sustainable development of the timber resource.

1723. The Renewable Resources Cooperation Agreement contributed to renewable resource industries, which expand the base of the Yukon economy, thus promoting a more stable and self-reliant economy.

1724. The Mineral Resources Cooperation Agreement supported innovations in exploration, mining and processing, and environmental technology, as well as making available high-quality geological, geochemical and geophysical information, which will contribute to the maintenance and development of the mineral industry, a continuing base of the Yukon economy.

1725. The Small Business Cooperation Agreement provided financial assistance to small businesses for ongoing improvements in technology, and product and service improvement.

1726. The Business Development Fund provides assistance to small and medium-sized Yukon businesses and, occasionally, business organizations such as industry associations. Among the rationales for such a programme is the difficulty that small and medium-sized business face in securing financing from traditional lending agencies, particularly in small Yukon communities. This programme is currently under review.

1727. As well, the Yukon Science Institute is situated on the campus of Yukon College. There are annual science fairs and, in 1995, Whitehorse hosted the National Science Fair.

1728. The constitutionally entrenched Yukon First Nations Umbrella Final Agreement contains specific provisions regarding the role of the Yukon government in the area of First Nations economic development. The claim established the following obligations on the Yukon government:

(a) Cooperating with the federal Government and 14 individual First Nations in developing economic opportunity plans and regional economic development plans;

(b) Assisting Yukon Indian people to make investments in public corporations.

1729. With respect to the Energy Conservation Assistance Act, the following programme changes have taken place.

1730. The Saving Energy Loans Program, which provides assistance in thermal-efficiency improvements in residential buildings, has been transferred to the Yukon Housing Corporation.

1731. The Yukon Energy Alternatives Program (YEAP) has been cancelled, although some projects previously eligible under YEAP may still individually receive government support.

B. Northwest Territories

Introduction

1732. The government of the Northwest Territories (GNWT) derives its legislative authority from an Act of the federal Parliament, the Northwest Territories Act, which provides to the Northwest Territories a number of powers that are similar in nature to those of a province under section 92 of the Constitution Act, 1867. The legislative responsibilities and governance of the Northwest Territories were explained in the Introduction to the section on the Territories in Canada's first report under articles 6 to 9 of the Covenant and have been updated in other reports submitted under this Covenant.

Article 6. Right to work

Principal law to prevent discrimination

1733. The Fair Practices Act, R.S.N.W.T. 1988, prohibits discrimination in hiring practices and in the workplace based on a number of factors: race, creed, colour, sex, marital status, nationality, ancestry, place of origin, disability, age or family status of that person, or because of a judicial conviction of that person for which a pardon has been granted. The exception to this, in the Act, is where there is a bona fide occupational requirement to employ persons with particular attributes.

Policies and techniques to achieve steady economic, social and cultural development

1734. The Special Rural Development agreements between the federal and territorial governments mentioned in the previous two reports expired in 1987.

1735. In 1982, the Government of Canada and GNWT signed a five-year $21 million General Economic Development Agreement, which also expired in March 1987. This Agreement was designed to assist northern residents to develop their own economy through sectoral subagreements, which supported the development of domestic markets, human resources and natural resource-based initiatives. Specific issues addressed in the subagreements included programmes to: improve business skills; encourage business growth; develop tourism-related businesses; provide community economic planning; develop northern markets for northern goods; identify new business opportunities; encourage northern residents to maintain traditional activities while making wage-based employment opportunities available.

1736. A second, three-year Government of Canada/GNWT Economic Development Agreement, valued at $38 million, was in effect from 1987 to 1990. This agreement extended the ability of northerners to have some influence over their economic well-being by continuing to support community-based efforts to develop the natural resource, domestic market and human resource sectors of the northern economy. A separate $11 million three-year agreement between the Government of Canada and the government of the Northwest Territories to support public infrastructure and development in the minerals and petroleum resource sectors of the northern economy also came into effect in 1987.

1737. In 1991, a third five-year Economic Development Agreement between the Government of Canada and GNWT, valued at $55 million, was signed. This agreement was intended to further stimulate the economy of the Northwest Territories through subagreements covering economic development (arts and crafts, cultural industries and community development), agriculture, forestry, fishing, mining and tourism. Changes to the administration of the programme increased the ability of regions and communities to influence the decision-making process as it related to the initial programme design, and improved local control and implementation of individual projects. Community consultation and active participation by the private sector in management committees and regional decision panels supported more direct control of the Agreement by local and non-governmental interests.

1738. In 1990, the Department of Economic Development and Tourism consolidated several economic development programmes, identified in previous reports, into a single Business Development Fund policy. Non-repayable grants and contributions are available for business planning, business creation or expansion, pilot and demonstration projects, marketing, business skills and training, and business relief purposes. The new programme streamlines the application process and improves response times by delegating decision-making authority to regional panels. Recognizing that different levels of business-development skills and abilities are available in individual communities, the new programme groups communities into categories based on economic circumstances such as employment levels, remoteness, transportation costs and market size, to determine the level of client equity expected in projects (which ranges from 20 per cent in larger centres to 5 per cent in the least developed communities). The budget for this programme is $3.4 million per annum.

1739. Additional programme initiatives designed to assist the business community in the Northwest Territories included the creation in 1991 of the NWT Business Credit Corporation, a GNWT Crown corporation capitalized with $20 million available for lending purposes. The Business Credit Corporation absorbed the GNWT Business Loan Fund and also administers the $5 million federal Eskimo Loan Fund, programmes identified in previous reports. The Business Credit Corporation is intended to be a lender of last resort to northern companies unable to raise financing from existing chartered banks and other financial institutions.

1740. Also established in 1991 by GNWT was the NWT Development Corporation, a Crown corporation created to stimulate the growth of businesses in the Northwest Territories and to promote economic diversification and stability by making direct investments in key sectors of the northern economy. Investments in meat and fish processing, arts and crafts production and marketing, forestry, retail stores and light manufacturing totalled $43 million by the end of 1994. Direct payments to the Corporation's 1,000 employees, craft producers and traditional food suppliers total $6 million annually.

Technical and vocational initiatives

1741. The GNWT provides apprenticeship training assistance to help northern businesses to employ apprentices, so that they can reach the journeyman level of competence. The Department of Education, Culture and Employment represents the NWT on interprovincial committees, and provides support to the Apprenticeship and Trade Certification Board.

1742. The Apprenticeship and Trade Certification Act, R.S.N.W.T. 1988, (referred to in the second report as the Apprenticeship and Tradesmen Act) governs the establishment, designation, training and certification of apprentices in designated trades and designated occupations. The structures and duties under the Act are the same as set out in the second report. The federal National Training Act governs the federal contributions to apprenticeship training. The Labour Force Development Agreement provides federal/territorial support to apprenticeship. Interprovincial standards (Red Seal) provide for standards and mobility in designated trades. National terms of reference for the Canadian Council of Directors of Apprenticeship also apply.

1743. The Building and Learning Strategy which GNWT has developed is a community-based learning model which links learning experiences in communities to the economic and employment opportunities available there. This strategy takes advantage of capital construction projects, sponsored by the NWT Housing Corporation or the Department of Public Works and Government Services, to provide on-the-job training to community residents. It creates a bridge between the needs people have for skill development and the needs of government to provide housing or other community facilities.

1744. The Worker's Training Initiative is a community-based work project model where people have an opportunity to develop job skills, training and life skills through work projects.

Article 7. Right to just and favourable conditions of work

Principal law

1745. The Labour Standards Act, R.S.N.W.T. 1988, is the primary legislation requiring employers to set conditions of employment that meet minimum legal standards. It applies to all employees coming under the Northwest Territories jurisdiction except managers, domestic workers, trappers and persons engaged in commercial fisheries. It provides a limitation on the hours of work. It prescribes the payment of premium pay when overtime hours are worked. It also establishes entitlements for minimum wages, annual vacations, general holidays, pregnancy and parental leaves, and notice of termination of employment or termination pay.

1746. The Act sets out an accessible process of administration to ensure that employees receive the protections contained in the Act.

Remuneration

1747. The minimum wages are established in the Labour Standards Act by the Legislative Assembly of the Northwest Territories. The current minimum wage rates in the Northwest Territories came into effect on 1 April 1991. Under an amendment to the Labour Standards Act, R.S.N.W.T. 1988, different rates were established depending on the age of the employee and the location where the work is performed. The location of the community affects the cost of living in the community. For the most part, employees under 16 years of age who work in communities that connect with the public highway system are entitled to a minimum wage of $6.00 per hour. Employees 16 years of age and older in those communities must be paid at least $6.50 per hour. In remote communities, the minimum wage for employees under the age of 16 is $6.50 per hour, while employees 16 years of age and older must be paid at least $7.00 per hour.

1748. GNWT is a major employer of people in the Northwest Territories. To ensure that employees receive fair remuneration, job descriptions are developed by managers and reviewed by analysts. The analysts evaluate the jobs against a set of standards, which divide work into categories such as trades, administrative services, programme delivery, etc. Each category is divided into a number of job types called groups. Rating plans determine the salary level within the group for which a job is placed. The predominant type of rating plan is based on the allocation of points for the significant features of the particular kind of work to be performed. Points are added up and compared with a final scale to determine the salary level within the group. Often the rating of jobs is done by committee rather than by individual analysts. There are both formal and informal appeal mechanisms to provide for review of ratings when employees or managers feel that ratings are not correct. For the most part, salaries are determined by collective bargaining with the union for the various groups and levels.

Working hours

1749. Pursuant to the Labour Standards Act, R.S.N.W.T. 1988, the standard hours of work for an employee are 8 hours in a day and 40 hours in a week. The maximum hours of work are now 10 hours per day and 60 hours per week.

Pay equity

1750. Section 6 of the Fair Practices Act, R.S.N.W.T. 1988, prohibits employers from paying female employees less than male employees for similar or substantially similar work.

Article 9. Right to social security

Principal laws

1751. The following Acts of the Northwest Territories Legislative Assembly provide for social security: the Social Assistance Act, R.S.N.W.T. 1988, the Senior Citizens Benefits Act, R.S.N.W.T. 1988, and the Child Welfare Act, R.S.N.W.T. 1988. These Acts provide substantially the same benefits as their precursors set forth in the second report.

Family benefits

1752. Social assistance was transferred to the Department of Education, Culture and Employment, Income Support Reform in 1994 as a result of a reorganization of government departments. Social assistance payments to families and individuals in need include payments for food allowances. These payments are provided in accordance with a social assistance table, based on a 1991 food price survey, which shows maximum scales in force in the settlements.

Maternity benefits

1753. The Labour Standards Act, R.S.N.W.T. 1988, contains provisions on pregnancy and parental leave. Pregnant employees, who have worked for an employer for the qualifying period, are entitled to 17 weeks of pregnancy leave from their employment. Female and male employees who have worked a qualifying period are entitled to 12 weeks of parental leave, following the birth or adoption of their child. In specified circumstances, the periods of leaves may be lengthened.

1754. Employees are required to give their employers notice prior to commencing parental or pregnancy leave; however, provisions are in place to waive the normal notice periods under exceptional circumstances. Employers are not obligated to pay employees who are on pregnancy and parental leaves, but employees may be entitled to benefits under the federal Unemployment Insurance Act.

Medical care

1755. Medical care is provided throughout the Northwest Territories to eligible residents under the Hospital Insurance and Medical Care Plans in accordance with the provisions of the Territorial Hospital Insurance Service Act, R.S.N.W.T. 1988 and the Medical Care Act, R.S.N.W.T. 1988. Federal funding is provided for insured health services under the Federal-Provincial Fiscal Arrangements Act of 1977 and through the governmental formula financing arrangements in place for all GNWT programmes. Special cost-recovery arrangements are in place for non-insured health benefits provided under the federal Indian Health Policy, and for insured hospital and medical services provided to status Indians and Inuit. Each fiscal year, the Legislative Assembly of the Northwest Territories approves the funding levels for Medicare and the Hospital Insurance Plan.

1756. Further details on medical care are given under article 12.

Article 10. Right of the family, mothers and children

Protection of the family

1757. In late 1988, an eight-member Working Group on Family Law Reform was appointed by the Ministers of Justice and Social Services to conduct research and develop a consultative policy document for reform to family law. In September 1992, the report of the Working Group was submitted to the responsible Ministers. It contained 256 recommendations for the reform of family law in the Northwest Territories. In December 1993, the Department of Justice distributed a consultation document on family law reform, entitled "Family Law Reform - Proposals for Action", developed by the Policy and Planning Division of the Department of Justice. Progress continues to be made in the family law reform initiative, one of the objectives of which is to ensure that the needs of children are protected when families separate.

1758. Recommendations in the area of child protection were made to allow Aboriginal custom adoption to be legally recognized in a manner according to Aboriginal customary law. As a result, an Aboriginal Custom Adoption Recognition Act was introduced into the Legislative Assembly in September 1994.

1759. The Age of Majority Act, R.S.N.W.T. 1988, sets the age of majority at 19 years of age for matters in respect of which the Legislative Assembly has jurisdiction.

1760. Under the Marriage Act, R.S.N.W.T. 1988, persons are prohibited from performing a marriage ceremony if there is reason to believe that either of the parties is incapable of giving a valid consent. To protect persons who do not speak or understand the language in which the ceremony is to be performed, the Act requires independent interpreters.

1761. The Child Day Care Act, R.S.N.W.T. 1988, governs the licensing of child care and development facilities across the NWT. The GNWT's goal is to build a comprehensive early childhood learning system, integrating child care and early childhood education. Currently, it provides start-up funds to eligible new facilities, operational funding to license facilities and a subsidy to parents.

Maternity protections

1762. The Territorial Hospital Insurance Services Act, R.S.N.W.T. 1988, ensures that all residents are entitled to insured medical services and an adequate standard of care. Complete maternity care and related costs are covered.

1763. The Labour Standards Act, R.S.N.W.T. 1988, contains provisions on pregnancy and parental leave. Pregnant employees who have worked for an employer for the qualifying period are entitled to 17 weeks of pregnancy leave from their employment. Female and male employees who have worked a qualifying period are entitled to 12 weeks of parental leave following the birth or adoption of their child. In specified circumstances, the periods of leaves may be lengthened.

1764. Employees are required to give their employers notice prior to commencing parental or pregnancy leave; however, provisions are in place to waive the normal notice periods under exceptional circumstances. Employers are not obligated to pay employees who are on pregnancy and parental leaves, but employees may be entitled to benefits under the federal Unemployment Insurance Act.

Special measures for protection and assistance of children

1765. The Judicature Act, R.S.N.W.T. 1988, abolishes the common-law distinction between the status of a child who is born of married parents and the status of a child born of unmarried parents. The legal relationship of parent and child, and that of other relatives, is the same, whether or not a child's parents were married.

1766. The Minors Act, R.S.N.W.T. 1988, the Domestic Relations Act, R.S.N.W.T. 1988, and the Child Welfare Act, R.S.N.W.T. 1988, contain various provisions relating to spousal support and/or child support. The Maintenance Orders Enforcement Act, R.S.N.W.T. 1988, establishes a government programme for the enforcement of support orders.

1767. The Workers Compensation Act, R.S.N.W.T. 1988, provides for compensation for dependants of a person whose death occurred as a result of an accident arising out of and during the course of his or her employment.

1768. References to the Infants Act, R.S.N.W.T. 1974, in the second report of Canada on articles 10-15 should now be to the Minors Act, R.S.N.W.T. 1988.

1769. The Child Welfare Act, R.S.N.W.T. 1988, creates a scheme for the apprehension and care of children who need protection. It also creates a duty on everyone who has information on the abandonment, desertion or need of protection of a child, or the infliction of abuse on a child, to report that information, without delay, to the Superintendent of Child Welfare.

1770. The Labour Standards Act, R.S.N.W.T. 1988, is the primary legislation dealing with conditions of employment that meet minimum legal standards. Under regulations made pursuant to that Act, young people under the age of 17 cannot legally be employed between the hours of 11 p.m. and 6 a.m., unless permission is first obtained from the administrator of the Act. The Act and regulations provide that the administrator of the Act may require an employer to satisfy him or her that the work being undertaken by an employee under the age of 17 years of age is not liable to be detrimental to his or her health, education, or moral character. In addition, employers who want to hire a young person to work in the construction industry must first obtain a permit from a Labour Standards Officer.

1771. Although the legislation does not include an age limit for the paid employment of children, there are practical limits imposed by compulsory school attendance provisions of the Education Act, R.S.N.W.T. 1988, which require children who are between the ages of 6 and 15 on 31 December of an academic year to attend school.

1772. Legislation regulating specific industries also restricts the employment of children. For example, under the Mining Safety Act, R.S.N.W.T. 1988, a person under the age of 16 may not be employed in or around a mine, and a person under the age of 18 may not be employed underground or at the working face of any open cut workings, pit or quarry.

1773. Statistics on the employment of children are not kept. There are a number of factors, in addition to those mentioned above, to ensure that children are not exploited, including the responsibility of parents to provide for their children and government-funded social services mechanisms.

Article 11. Right to an adequate standard of living

Right to adequate food

1774. The notes concerning this area in the Second Report still apply, in that the social assistance benefits provided under the Social Assistance Act, R.S.N.W.T. 1988, are the primary measure within the Territories to ensure that all residents have an adequate food supply.

Nutrition surveys

1775. The Bureau of Statistics completed a survey in 1991 on food prices, in cooperation with the Department of Health and Social Services. The results from this survey are used by the Department of Social Services as an indicator of price differences in the communities to help set the food portion of social assistance payments. There has not been a recent general nutrition survey in the Northwest Territories. Information on nutrition must therefore be derived indirectly from other studies, such as those conducted for contaminants in the workplace.

Nutrition information

1776. Information about nutrition is disseminated through a wide range of materials. Publications cover, for example, prenatal nutrition, infant feeding, early childhood nutrition and northern traditional food. Three publications are also standards: the NWT Food Guide, the NWT Nutrition Manual and the NWT Daycare Manual. These materials were developed in the late 1980s and are now in need of revision to incorporate new nutritional information into the unique situation of the Territories.

1777. There has been a significant gap in the dissemination of this information to certain groups since the discontinuation of the Home Management Program. Limited social assistance funds and lack of knowledge regarding cooking also mean that many people consume convenience foods with low nutritional value. The federal food mail programme is in place to provide subsidies to offset the cost of transporting nutritional perishable food and other essential goods to isolated communities. Ongoing discussions between the federal and territorial governments should ensure the continuation of this programme.

Right to adequate housing

1778. The Northwest Territories Housing Corporation Act, R.S.N.W.T. 1988, establishes the Northwest Territories Housing Corporation. Through the Act, the Housing Corporation may provide, develop, maintain and manage housing for: senior citizens; families and individuals receiving social allowances or social assistance; individuals requiring minimal nursing care; families and individuals generally; students or apprentices and their families; staff; and cooperative or non-profit organization housing accommodation.

1779. The Housing Corporation is committed to working in partnership with communities, and is committed to providing opportunities for communities to become responsible for their choices and delivery of housing programmes. Through this partnership, opportunities are provided for all community residents to have homes that support healthy, independent and secure lifestyles.

1780. The Northwest Territories Housing Corporation Housing Needs Survey 1992 is the most comprehensive study of housing needs ever completed in the Northwest Territories. It contains detailed statistical information on housing needs in the Northwest Territories. A copy of it is available as reference material.

1781. The Housing Needs Survey was conducted in partnership with every community in the Northwest Territories. Local people were hired to conduct the surveys. People in over 14,000 households answered questions about their current housing situation and future housing preferences. The Housing Needs Survey provided a basis for making decisions as to how and where money available for housing should be spent.

Article 12. Right to physical and mental health

Principal laws

1782. The Mental Health Act, R.S.N.W.T. 1988, which provides the legal framework for the committal of mentally disabled persons, was amended in 1994 to provide greater protection for the civil rights of such individuals. Safeguards include the requirement to provide information to the individual in their Aboriginal language; to provide interpreter services, if necessary; to consult with elders; and to provide court review if patients are held involuntarily for a period in excess of two months.

1783. Plans established under the Territorial Hospital Insurance Services Act, R.S.N.W.T. 1988, and the Medical Care Act, R.S.N.W.T. 1988, provide insured medical services by a physician to any registered resident of the Northwest Territories. The Medical Care Plan provides payment for insured services at 100 per cent of the approved fee schedule of the territory or province where the service is provided. The Plan covers all medically required services rendered by physicians in the office, clinic, hospital and home, as well as certain surgical-dental procedures medically required to be performed in a hospital. Surgical procedures, anaesthetic services and complete maternity care are also provided. The Hospital Insurance Plan provides coverage for a broad range of medically necessary in-patient and out-patient services. Health facilities are funded under this Plan, which provides for nursing, home care, chronic care, acute care and detoxification services. Residents unable to be treated in the Territories are referred to major treatment facilities in southern Canada.

1784. The Public Health Act, R.S.N.W.T. 1988, governs the general promotion and preservation of the health of residents of the Territories. Environmental health officers have powers under this Act to enforce regulations regarding food premises, communicable diseases, barber shops and beauty salons, camp and general sanitation, milk pasteurization, swimming pools, public water supply, sewage disposal and tourist accommodation. In addition, they respond to public complaints and follow up on cases of enteric disease, food poisoning and exposure to rabid animals. All communities in the Northwest Territories are serviced by public water and sewage-disposal systems, as well as solid-waste facilities. These are monitored on a regular basis by the environmental health officers.

Access to trained personnel

1785. In most communities in the NWT, primary health care is provided by nurses and a mix of other professionals and paraprofessionals operating out of well-equipped health centres, which have minimal in-patient capabilities. Community health nurses serve as the entry point to the health-care system. They provide health promotion and support services, rehabilitation, as well as emergency treatment and referral services. Physicians, based in larger centres, act as consultants to the community health nurses, and make regularly scheduled trips with additional trips as necessary. Acute-care in-patient facilities are based in communities that are able to support the critical core of treatment services - anaesthesia, internal medicine, obstetrics, paediatrics and surgery.

1786. When residents of the Territories must travel long distances at considerable personal cost to receive hospital and medical services, the Department of Health provides medical travel benefits to those who do not have access to similar benefits from any other source.

Infant mortality rates

1787. Over the past several decades, there have been dramatic reductions in NWT infant mortality rates for all ethnic groups. However, figures for the 1990-1994 period indicated that the mortality experience of NWT children was the worst in the country, with Dene rates 4.7 times, and Inuit rates 5.7 times the rate for non-status residents. While the relatively small numbers of infant deaths and the incomplete reporting of births in the NWT mean that infant mortality rate data must be used cautiously, these figures indicate the need for continuing progress in delivery of health care and social services.

1788. Two recent studies address this concern. In 1993 a survey was conducted on 1,153 births in the Northwest Territories. The infants were followed for a one-year period and data will be compiled and produced in a report in 1995. The study is conducted to provide information on breastfeeding and supplementation practices. It will be used to develop guidelines regarding infant feeding and to identify areas where efforts need to be focused in breastfeeding promotion.

1789. Monitoring began in May 1994 in a study to establish a contaminant baseline for NWT populations. This includes analysis of the levels of specific organochlorines and metals in maternal and cord-blood of NWT mothers and neonates. The expected project completion date is 31 March 1997.

Article 13. Right to education

Compulsory and free public education

1790. Education is compulsory for children between the ages of 6 and 15, as set out in the Education Act, R.S.N.W.T. 1988. Pursuant to this Act, primary and secondary education is free for all students whose parent or guardian resides in the Territories.

1791. The Minister of Education, Culture and Employment is responsible for setting the overall direction for the school system, for maintaining a consistent level of education across the jurisdiction and for ensuring that education is of a similar standard to education in other parts of Canada. Responsibility for delivery of education belongs to boards and divisional boards of education.

Secondary education, including technical and vocational education

1792. Various types of secondary education are currently provided. A particularly promising programme being developed is Career and Technology studies. It is being developed in partnership with business and other sectors of the community. The vocational programmes mentioned in the second report to be established under section 75 of the Education Act have not been offered to date.

1793. The Apprenticeship and Trade Certification Act, R.S.N.W.T. 1988, governs the establishment, designation, training and certification of apprentices in designated trades and occupations.

Higher education

1794. The Department of Education, Culture and Employment administers an extensive programme of student financial assistance to increase the availability of higher education.

Educational initiatives

1795. GNWT has tried in the last few years to encourage young people to stay in school. As a result, more students take part in high school programmes and people's highest levels of education are gradually increasing. Those with less than Grade 9 went from 36.5 per cent in 1981 to 27.7 per cent in 1991. Those with from Grade 9 to 12 went from 31 per cent in 1981 to 29 per cent in 1991. Those with some post-secondary education went from 25 per cent in 1981 to 32 per cent in 1991. Those with university degrees went from about 8 per cent in 1981 to 10 per cent in 1991.

1796. Attendance increased from 79 per cent in 1981 to 85.7 per cent in 1991. Truancy decreased from 17 per cent in 1983 to 7.5 per cent in 1991. Over the last five years, the proportion of students who go on to secondary school programmes has increased from 40 per cent to 75 per cent. It is hoped that over the next few years, the graduation rate, which has stayed at about 25 per cent for the past few years, will increase as well.

1797. Several government initiatives encourage students to stay in school. One is the extension of grades to the senior secondary school level in many small communities. Senior secondary programmes are now offered in 26 communities compared with only 7, 10 years ago. In 1994, Grade 10 was offered in an additional 7 communities, Grade 11 in an additional 4 communities, and Grade 12 in an additional 4 communities. Grade 12 is now available in all but one division of the Northwest Territories.

1798. Another measure to encourage attendance, begun in 1986, is the presence of school and community counsellors who keep track of each student's attendance and counsel students and their families. In addition, programmes such as the development of modules to allow part-time study and the establishment of day-care programmes in schools encourage the participation of young people who have parental or other responsibilities.

1799. One of the other initiatives to encourage students, particularly Aboriginal students, to stay in school is the goal of the GNWT to increase the number of Aboriginal teachers in schools to 50 percent by the year 2000. Teacher education programmes have been developed to assist in this goal, and this year there are 167 students enrolled in these programmes.

Language facilities

1800. The education programmes in the Northwest Territories are based on the languages and cultures of the Northwest Territories. Divisional boards of education, in consultation with the Minister, can determine the language of instruction in a school from kindergarten to Grade 2. In addition, where English is the language of instruction, the first language of the majority of the students must be taught as a language in the school. A training programme for Aboriginal language specialists has been developed, and many Aboriginal language specialists teach language in the schools.

Literacy programmes

1801. The UNESCO definition of functional literacy is completion of Grade 9. Based on data drawn from a 1986 census and the 1989 NWT Labour Force Survey, 44 per cent of the adult population of the Northwest Territories - 72 per cent of Aboriginal adults and 7 per cent of non-Aboriginal adults - are not in this category. When we consider the population aged 15 and over, however, the figures are more encouraging. In 1986, 33.6 per cent had less than Grade 9. In 1991, only 27.7 per cent had less than Grade 9. The rate of illiteracy should change over time, as school drop-out rates decline and as more adults upgrade their skills. However, community and family problems such as violence, addictions, housing, child care, and health and poverty all present continuing barriers to the ability to learn.

1802. The NWT literacy strategy has three major components: an ongoing public awareness campaign, support for Arctic College's literacy programmes, and support for community-based literacy projects. Since 1989, 96 community literacy projects have received more than $1 million in contributions. As well, the NWT Literacy Council has funded 18 community literacy projects in which nearly 1,000 people have participated.

Territorial budget

1803. Approximately 14.6 per cent of the budget is spent on education. There are now 78 schools in 59 of the 60 communities in the Northwest Territories. The capital estimate objectives for the 1994/95 year included the beginning of construction on one school and additions on another four; the completion of construction on additions to six schools and the renovation of one; and plans for additions or renovations to another seven schools.

Teaching staff

1804. Teachers in the NWT belong to the Northwest Territories Teachers' Association. They are either employees of the GNWT, or employed by one of the two boards of education in Yellowknife. As such, the salaries and benefits of teachers are at least comparable to and generally higher than those of other civil servants.

Private schools

1805. There are no schools in the Northwest Territories that are not established and administered by agencies of the Government. There is provision for the existence of private schools, but none have as yet been established.

Article 15. Right to take part in cultural life and to enjoy the benefits of scientific progress, and the protection of authors' interests

Enhancement of culture

1806. The Department of Education and the Department of Culture and Communications amalgamated in August 1992, to form the Department of Education, Culture and Employment. While the establishment policy set out in the second report no longer exists as such, the new Department continues to carry out similar functions.

1807. The GNWT provides contributions to cultural organizations and to NWT artists. It plans to distribute cultural funding equitably to regions, so that language and cultural communities can determine their own priorities and cultural goals. It also plans to work more closely with regional Economic Development and Tourism offices to improve support to the arts.

Heritage services

1808. The GNWT continues to operate the territorial museum, the Prince of Wales Heritage Centre. It also provides community heritage groups with technical advice and support to help them collect, preserve and interpret cultural materials. It plans to improve community access to heritage information by combining heritage and tourism facilities, where appropriate; by increasing the use of technology to give communities access to heritage information; and by providing community-level training for heritage projects.

1809. The Archives Act, R.S.N.W.T. 1988, and the Historical Resources Act, R.S.N.W.T. 1988, as set forth in the second report, continue in force. The powers of the Commissioner under the Historical Resources Act still apply.

Language services

1810. The Language Bureau provides interpretation and language services to the NWT Legislative Assembly and to government departments in all regions of the Territories. It also provides language research and development. The GNWT plans to work with other departments to develop guidelines that describe levels of service for the Official Languages Act, R.S.N.W.T. 1988. It then plans to distribute resources to provide language services to the language communities, wherever possible.

1811. The Department of Education, Culture and Employment provides funding to three Aboriginal communications societies: the Inuit Broadcasting Corporation (IBC), the Native Communications Society and the Inuvialuit Communications Society. Two children's programmes have been produced by IBC since 1991. One of them, "Takuginai", which was the first children's show to be broadcast in an Aboriginal language, achieved the highest audience ratings per capita of any television programme in North America. Funding has also been used to begin a successful programme to encourage students to produce Aboriginal language videos. Since 1991, several videos have been produced and aired on "The Tube", the Northwest Territories teen show.
